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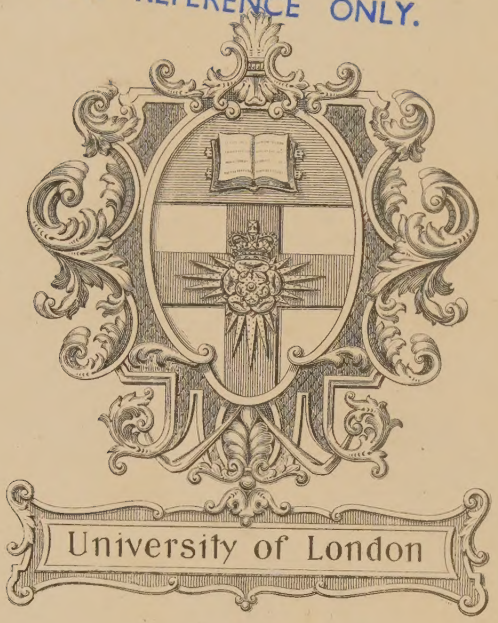

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REPORT

FROM THE

SELECT COMMITTEE

ON

CRIMINAL LAWS;

&c.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1819.

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REPORT.

THE SELECT COMMITTEE appointed to consider of so much of the CRIMINAL LAWS as relates to Capital Punishment in Felonies, and to report their Observations and Opinion of the same, from time to time, to The House; and to whom the several PETITIONS on the subject were referred;——HAVE, pursuant to the Orders of The House, considered the Matters to them referred; and have agreed upon the following REPORT:

YOUR Committee, in execution of the trust delegated to them by the House, have endeavoured strictly to confine themselves within the limits prescribed to them by the terms of their appointment. In some cases they have laid down restrictions for themselves, which the letter of the Resolution of the House did not impose. They have abstained from all consideration of those Capital Felonies which may be said to be of a political nature, being directed against the authority of government and the general peace of society. To the nature and efficacy of the secondary Punishments, of Transportation and Imprisonment, they have directed no part of their inquiries, because another Committee had been appointed to investigate them, and because no part of the facts or arguments to be stated in this Report, will be found to depend, either on the present state of these secondary Punishments, or on the degree of improvement of which they may be found capable. With many extensive and important parts of the Criminal Law; such, for example, as that which regulates the Trial of Offenders; they are entirely satisfied, and they should not have suggested any changes in these departments, even if they had been within the appointed province of this Committee. On other parts of the subject; as, for example, in the definition and arrangement of Crimes, they have recommended a consolidation of the Laws respecting only one class of offences, and have presumed only to express a general opinion of the utility of the like consolidation in some other cases. They wish expressly to disclaim all doubt of the right of the Legislature to inflict the punishment of Death, wherever that punishment, and that alone, seems capable of protecting the community from enormous and atrocious crimes. The object of the Committee has been to ascertain, as far as the nature of the case admitted by Evidence, whether, in the present state of the sentiments of the people of England, Capital Punishment in most cases of offences unattended with violence, be a necessary or even the most effectual security against the prevalence of Crimes.

I.

IN the first place, they endeavoured to collect official accounts of the state of Crimes and the administration of Criminal Law throughout the Kingdom, from the earliest period to which authentic information reaches. The Annual Returns of Commitments, Convictions, and Executions, first procured by Addresses from this House, and since required by Statute, go no farther back than 1805. Accounts, though not perfectly satisfactory, of the same particulars, from London and Middlesex, from 1749 to the present time, have been already laid before Parliament, which, with an official summary of the Returns of England and Wales from 1805, will be inserted in the Appendix of this Report.

A full and authentic account of Convictions and Executions for London and Middlesex, from 1699 to 1804, obtained, for the latter part of that time from the Clerk of Arraigns at the Old Bailey, and for the former part from the officers of the City of London, is inserted in the Appendix. The Corporation of the City of London have shown on this occasion a liberality and public spirit worthy of acknowledgment; and it is to be hoped, that they will continue their researches as far back as their Records extend, and thus complete Returns, probably unparalleled in the history of Criminal Law.

The Deputy Clerk of Assize for the Home Circuit, has laid before Your Committee a Return of Commitments, Convictions and Executions on that Circuit, which comprehends the counties of Herts, Essex, Kent, Sussex and Surrey, from 1689 to 1718, from 1755 to 1784, and from 1784 to 1814. The Returns of the intermediate period from 1718 to 1755, he will doubtless furnish very soon. From this important Return it appears, that, for the first thirty years which followed the Revolution, the average proportion of convictions to executions was 38 to 20; that from 1755 to 1784 it was 46 to 13; and that from 1784 to 1814, it was 74 to 19. It is worthy of remark, that the whole number of convictions for murder, on the Home Circuit, in the first period was 123; that the executions for the same period were 87: that in the second, the convictions for the same offence were 67, and the executions 57; and that in the third, the convictions were 54, and the executions 44. If the increase of the population during a prosperous period of a hundred and thirty years, be taken into the account, and if we bear in mind that within that time a considerable city has grown up on the southern bank of the Thames, we shall be disposed to consider it as no exaggeration to affirm, that in this district (not one of the most favourably situated in this respect) murder has abated in the remarkable proportion of three if not four to one.

In the thirty years from 1755 to 1784 the whole convictions for murder in London and Middlesex were 71; and in the thirty years from 1784 to 1814 they were 66. In the years 1815, 1816 and 1817, the whole convictions for murder in London were 9, while in the three preceding years they were 14. Most of the other returns relate to too short a period, or too narrow a district to afford materials for safe conclusion, with respect to the comparative frequency of crimes at different periods.

In general however it appears that Murders, and other crimes of violence and cruelty, have either diminished, or not increased; and that the deplorable

deplorable increase of Criminals is not of such a nature as to indicate any diminution in the humanity of the people. The practice of immediately publishing the circumstances of every atrocious crime, and of circulating in various forms an account of every stage of the proceedings which relate to it, is far more prevalent in England than in any other country, and in our times than in any former age. It is on the whole of great utility, not only as a control on courts of judicature, but also as a means of rendering it extremely difficult for odious criminals to escape. In this country, no atrocious crimes remain secret; with these advantages however, it cannot be denied, that by publishing the circumstances of all crimes, our modern practice tends to make our age and nation appear more criminal than in comparison with others it really is.

II.

IN considering the subject of our Penal Laws, Your Committee will first lay before the House their observations on that part, which is the least likely to give rise to difference of opinion. That many statutes denouncing capital punishments might be safely and wisely repealed, has long been a prevalent opinion. It is sanctioned by the authority of two successive Committees of this House, composed of the most eminent men of their age, and in some measure by the authority of the House itself, which passed several bills on the recommendation of their Committees. As a general position, the propriety of repealing such statutes seems scarcely to have been disputed; respecting the number and choice of them, different sentiments must always be expected. Your Committee have not attempted a complete enumeration, which much time and considerable deliberation would be required to accomplish. They selected some capital felonies, for the continuance of which they cannot anticipate any serious argument, and which seem to them to serve no purpose but that of encumbering and discrediting the Statute Book. Various considerations have combined to guide their choice; sometimes mere levity and hurry have raised an insignificant offence, or an almost indifferent act, into a capital crime; in other acts the evil has been manifestly and indeed avowedly temporary, though it unfortunately produced a permanent law. Where the punishment of death was evidently unnecessary at the time of its original establishment, and where, if it was originally justified by a temporary danger, or excused by a temporary fear, it has long been acknowledged to be altogether disproportioned to the offence, Your Committee conceive themselves warranted in confidently recommending its abolition. But they have also adverted to another consideration; if in addition to the intrinsic evidence, of unwarrantable severity in a law, which arises from the comparison of the act forbidden, with the punishment threatened, they find also that the law has scarcely ever been executed since its first enactment, or if it has fallen into disuse as the Nation became more humane and generally enlightened, Your Committee consider themselves as authorized to recommend its repeal, by long experience, and by the deliberate judgment of the whole Nation. In the application of this latter principle, they have been materially aided by the documents which have been mentioned. Where a Penal Law has not been carried into effect in Middlesex for more than a century, in the counties round London for sixty years, and in the extensive district which forms the Western Circuit for fifty, it may be safely concluded that the general opinion has pronounced it to be unfit or unnecessary to continue in force. The Committee are aware, that there are cases in which it may be said, that the dread of the punishment has prevented the

perpetration of the crime, and where, therefore, the law appears to be inefficacious only because it has completely accomplished its purpose. Whatever speciousness may belong to this reasoning in the case of conspicuous crimes, and punishments generally present to the minds of men, it never can be plausibly applied to rare and obscure offences, to penal enactments, of which it requires a more than ordinary degree of professional accuracy habitually to recollect the existence. Your Committee have endeavoured to avoid all cases which seem to them to be on this ground disputable. From general caution, and a desire to avoid even the appearance of precipitation, they have postponed cases, which seem to them liable to as little doubt as some of those to which they are about to advert.

It has sometimes been said, that the abolition of penal laws which have fallen into disuse, is of little advantage to the community. Your Committee consider this opinion as an error. They forbear to enlarge on the striking remark of Lord Bacon, that all such laws weaken and disarm the other parts of the criminal system. The frequent occurrence of the unexecuted threat of Death in a criminal code, tends to rob that punishment of all its terrors, and to enervate the general authority of the Government and the Laws. The multiplication of this threat in the Laws of England has brought on them, and on the Nation, a character of harshness and cruelty, which evidence of a mild administration of them will not entirely remove. Repeal silences the objection. Reasoning founded on lenient exercise of authority, whatever its force may be, is not calculated to efface a general and deep impression. The removal of disused laws is a preliminary operation which greatly facilitates a just estimate, and (where it is necessary) an effectual reform of those laws which are to remain in activity. Were capital punishments reduced to the comparatively small number of cases in which they are often inflicted, it would become a much simpler operation to form a right judgment of their propriety or necessity. Another consideration of still greater moment presents itself on this part of the subject; Penal Laws are sometimes called into activity after long disuse, and in cases where their very existence may be unknown to the best informed part of the community; malicious prosecutors set them in motion; a mistaken administration of the Law may apply them to purposes for which they were not intended, and which they are calculated more to defeat than to promote: such seems to have been the case of the person who, in the year 1814, at the Assizes for Essex, was capitally convicted of the offence of cutting down trees, and who, in spite of earnest applications for mercy from the prosecutor, the committing magistrate, and the whole neighbourhood, was executed, apparently because he was believed to be habitually engaged in other offences, for none of which however he had been convicted or tried.

This case is not quoted as furnishing any charge against the humanity of the Judge or of the advisers of the Crown; they certainly acted according to the dictates of their judgment; but it is a case where the effect of punishment is sufficiently shown by the evidence to be the reverse of exemplary, and it is hard to say whether the general disuse of the capital punishment in this offence, or the single instance in which it has been carried into effect, suggests the strongest reasons for its abolition.

The Statutes creating capital felonies, which the Committee have considered under this head, are reducible to two classes; the First, relate to acts either so nearly indifferent as to require no penalty, or if injurious, not

of

of such a magnitude as that they may not safely be left punishable as Misdemeanors at common law. In these Your Committee propose the simple repeal; they are as follows:

1.—1 and 2 Phil. and Mary, c. 4. Egyptians remaining within the kingdom one month.
2.—18 Charles II, c. 3. Notorious Thieves in Cumberland and Northumberland.
3.—9. Geo. I, c. 22. Being armed and disguised in any Forest, Park, &c.
4.— ——————————————————— in any Warren.
5.— ——————————————————— in any High Road, Open Heath, Common or Down.
6.— ——— Unlawfully hunting, killing, or stealing Deer.
7.— ——— Robbing Warrens, &c.
8.— ——— Stealing or taking any Fish out of any River or Pond, &c.
9.— ——— Hunting in His Majesty's Forests or Chases.
10.— ——— Breaking down the head or mound of a Fish Pond.
11.—9 Geo. I, c. 28. Being disguised within the Mint.
12.—12 Geo. II, c. 29. Injuring of Westminster Bridge, and other Bridges by other Acts.

The Second Class consists of those offences, which, though in the opinion of Your Committee never fit to be punished with Death, are yet so malignant and dangerous as to require the highest punishments except death, which are known to our laws. These the Committee would make punishable, either by Transportation, or Imprisonment with hard labour, allowing considerable scope to the discretion of the Judges respecting the term for which either punishment is to endure.

1.—31 Eliz. c. 9. Taking away any Maid, Widow, or Wife, &c.
2.—21 Jac. I, c. 26. Acknowledging or procuring any Fine, Recovery, &c.
3.—4 Geo. I, cap. II, s. 4. Helping to the recovery of Stolen Goods.
4.—9 Geo. I, c. 22. Maliciously killing or wounding Cattle.
5.—9 Geo. I, c. 22. Cutting down or destroying Trees growing, &c.
6.—5 Geo. II, c. 30. Bankrupts not surrendering, &c.
7.— ——————— Concealing or embezzling.
8.—6 Geo. II, c. 37. Cutting down the bank of any River.
9.—8 Geo. II, c. 20. Destroying any Fence, Lock, Sluice, &c.
10.—26 Geo. II, c. 23. Making a False Entry in a Marriage Register, &c. five Felonies.
11.—27 Geo. II, c. 15. Sending threatening Letters.
12.—27 Geo. II, c. 19. Destroying Bank, &c. Bedford Level.
13.—3 Geo. III, c. 16. Personating Out Pensioners of Greenwich Hospital.
14.—22 Geo. III, c. 40. Maliciously cutting Serges.
15.—24 Geo. III, c. 47. Harbouring Offenders against that (Revenue) Act, when returned from Transportation.

It does not seem necessary to make any observations in this place on the punishments of Transportation and Imprisonment, which Your Committee have proposed to substitute for that of Death in the second of the two classes above-mentioned. In their present imperfect state they are sufficient for such offences; and in the more improved condition in which the Committee trust that all the Prisons of the Kingdom will soon be placed, Imprisonment may be hoped to be of such a nature as to answer every purpose of terror and reformation.

III.

IN the more disputable questions, which relate to offences of more frequent occurrence and more extensive mischief, Your Committee will limit their present practical conclusions to those cases, to which the Evidence before them most distinctly refers. They cannot entertain any doubt that the general principles which have been so strikingly verified and corroborated in some particular cases by that evidence, apply with equal force to many others, relating to which they have not had sufficient time to collect the testimony of witnesses. That some offences which the law treats as Arson, and more which it punishes as Burglary, are not properly classed with these crimes, and ought not to be punished with death, would probably be rendered apparent by a legislative consolidation of the laws in being respecting Arson and Burglary. The same result, though in a less degree, might be expected from a similar operation in other important heads of Criminal Law.

On the three capital felonies of, Privately stealing in a shop to the amount of five shillings,—of, Privately stealing in a dwelling house to the amount of forty shillings,—and of, Privately stealing from vessels in a navigable river to the amount of forty shillings—the House of Commons have pronounced their opinion, by passing Bills for reducing the punishment to Transportation or Imprisonment.

In proposing to revive those Bills, Your Committee feel a singular satisfaction that they are enabled to present to the House so considerable a body of direct Evidence in support of opinions, which had hitherto chiefly rested on general reasoning, and were often alleged by their opponents to be contradicted by experience. Numerous and respectable witnesses have born testimony, for themselves and for the classes whom they represent, that a great reluctance prevails to prosecute, to give evidence, and to convict, in the cases of the three last mentioned offences; and that this reluctance has had the effect of producing impunity to such a degree, that it may be considered as among the temptations to the commission of crimes. Your Committee beg leave to direct the attention of the House to the evidence of Sir Archibald Macdonald, on this and other parts of the general subject, in which that venerable person has stated the result of many years experience in the administration of Criminal Law. They forbore to desire the opinion of the present Judges, out of consideration to the station and duties of these respectable magistrates. It appeared unbecoming and inconvenient that those whose office it is to execute the Criminal Law should be called on to give an opinion whether it it ought to be altered. As the Judges could not with propriety censure what they might soon be obliged to enforce, they could scarcely be considered as at liberty to deliver an unbiassed opinion. Of the Judges who have retired from the bench, Sir William Grant and Sir Vicary Gibbs, found it inconvenient to attend when they were requested; and the Committee dispensed with their attendance, having reason to believe that both adhere to the opinions which they formerly maintained in Parliament on opposite sides of this question. Lord Erskine was absent from London when it was proposed to examine him; but the Committee are well assured that his opinions entirely concur with their own. Sir James Mansfield, and Sir Allan Chambrè, appear to have formed no opinion, and the Committee, at their request, dispensed with their attendance.

But highly as the Committee esteem and respect the Judges, it is not from them that the most accurate and satisfactory evidence of the effect of the Penal Law can reasonably be expected. They only see the exterior of criminal proceedings after they are brought into a court of justice. Of the cases which never appear there, and of the causes which prevent their appearance, they can know nothing. Of the motives which influence the testimony of witnesses, they can form but a hasty and inadequate estimate. Even in the grounds of Verdicts, they may often be deceived. From any opportunity of observing the influence of punishment upon those Classes of men among whom malefactors are most commonly found, the Judges are, by their stations and duties, placed at a great distance.

Your Committee have sought for evidence on these subjects from those classes of men who are sufferers from Larcenies, who must be prosecutors where these Larcenies are brought to trial, who are the witnesses by whom such charges must be substantiated, and who are the Jurors, by whose verdicts only effect can be given to the laws. On this class of Persons, where the crimes are most frequent, and where long and extensive experience allows little room for error and none for misrepresentation, or in other words, on the Traders of the cities of London and Westminster, Your Committee have principally relied for information. To the clerks at the offices of magistrates, and to the officers of criminal courts, who receive informations and prepare indictments, to experienced magistrates themselves, and to the gaolers and others, who, in the performance of their duties, have constant opportunities of observing the feelings of offenders, the Committee have also directed their inquiries; their testimony has been perfectly uniform.

Mr. Shelton who has been near forty years Clerk of Arraigns at the Old Bailey, states, that Juries are anxious to reduce the value of property below its real amount, in those Larcenies where the capital punishment depends on value; that they are desirous of omitting those circumstances on which the capital punishment depends in constructive burglaries; and that a reluctance to convict is perceptible in forgery.

Sir Archibald Macdonald bears testimony to the reluctance of prosecutors, witnesses and juries, in forgeries, in shop-lifting, and offences of a like nature. He believes that the chances of escape are greatly increased by the severity of the punishments. "Against treason, murder, arson, rape, and crimes against the dwelling house or person, and some others," he thinks "the punishment of Death should be directed."

T. W. Carr, Esq. Solicitor of Excise, a very intelligent public officer, gave an important testimony, directly applicable indeed only to offences against the Revenue, but throwing great light on the general tendency of severity in Penal Laws to defeat its own purpose. From his extensive experience it appears, that severe punishment has rendered the law on that subject inefficacious. Prosecutions and convictions were easy when breaches of the law were subject to moderate pecuniary penalties; even a great pecuniary penalty has been found so favourable to impunity, that fraudulent traders prefer it to a moderate penalty. The act of counterfeiting a stamp in certain cases, within the Laws of Excise, was, before the year one thousand eight hundred and six, subject only to a penalty of five hundred pounds; but in that year it was made a transportable offence, of which the consequence was, that the convictions, which from one thousand seven hundred and ninety-four, to one thousand eight hundred and six, had been nineteen out of twenty-one prosecutions, were reduced in the succeeding

years, from one thousand eight hundred and six, to one thousand eight hundred and eighteen, to three out of nine prosecutions.

Mr. Newman, Solicitor for the city of London, speaking from thirty years experience, of the course of Criminal Prosecutions in that city, informed the Committee, that he had frequently observed a reluctance to prosecute and convict, in capital offences not directed against the lives, persons or dwellings of men.

The Reverend Mr. Cotton, Ordinary of Newgate, has described in strong terms, the repugnance of the Public to capital execution in offences unattended with violence, and the acquiescence even of the most depraved classes in their infliction in atrocious crimes.

Mr. Colquhoun, for twenty-seven years a police magistrate in this Capital, and well known by his publications on these subjects, declares his firm conviction that capital punishment in the minor offences operate powerfully in preventing convictions; and that there is a great reluctance to prosecute in forgery, shoplifting, larceny in the dwelling house, burglary without actual entry, horse stealing, sheep stealing, cattle stealing, frame-breaking, housebreaking in the day time, robbery without acts of violence, and other minor offences, now subject to the punishment of death. According to the testimony of this intelligent observer, the public mind revolts at capital punishment in cases not atrocious.

Mr. Newman, late keeper of Newgate, and connected with the administration of justice in London for forty years, gave testimony to the same effect.

Mr. Basil Montague stated a fact of a most striking nature, immediately applicable only to one offence, but showing those dispositions in the minds of the public which must produce similar effects wherever the general feeling is at variance with the provisions of criminal law. From the year one thousand seven hundred and thirty-two, when embezzlement of property by a bankrupt was made a capital offence, there have been probably forty thousand bankruptcies; in that period there have not been more than ten prosecutions, and three executions for the capital offence, and yet fraudulent bankruptcies have become so common as almost to be supposed to have lost the nature of crime.

Mr. Hobler, clerk to the Lord Mayor and to the sitting magistrates in London for thirty years, stated the anxiety of prosecutors to lower the value of goods stolen; and has observed many cases of forgery, in which, after the clearest evidence before the magistrate, the Grand Jury has thrown out the Bill for some reason or other, where the magistrate had no doubt. The same solicitude to reduce the value of articles privately stolen in shops and dwelling houses, has been remarked by *Mr. Payne*, clerk to the sitting magistrate at Guildhall; by *Mr. Yardley*, clerk at the office in Worship-street, who has observed a disinclination to prosecute in all capital cases, except murder; and who says, that in larcenies he has often heard prosecutors, especially females, say, "I hope it is not a hanging matter;" and by *Mr. Thomson*, clerk at the office in Whitechapel, who represents it as common for prosecutors in larcenies to ask, "cannot this be put under "forty shillings?"

Mr. Alderman Wood, a Member of the House, an active magistrate, and two successive years Lord Mayor of London, has strongly stated the unwillingness

unwillingness of shopkeepers and others to prosecute, the number of offenders who, during his mayoralty owed their escape to this cause; and his decided conviction, that if the capital punishment was taken away, the reluctance to prosecute would be greatly abated.

Mr. Wilkinson, a merchant in London, stated a case of property, to the value of one thousand pounds stolen from him, where he was deterred from prosecution by the capital punishment; and expressed his belief that a similar disposition prevailed among persons of the like condition and occupation with himself.

Mr. Josiah Conder, bookseller, *Mr. Joseph Curtis*, currier, *Mr. Wendover Fry*, type-founder, and *Mr. John Gaun*, a merchant and shoe manufacturer, stated instances in which they were prevented by the capital punishment from prosecuting offenders, whom they would have brought to justice if the punishment had in their opinion been more proportioned to the crime. They also declared, that there is a general disinclination to prosecute among the traders of the City of London, or to convict in thefts without violence, and in forgeries.

Sir Richard Philips, a bookseller in London and once sheriff, as well as often a juror, has in these several capacities observed the same facts. *Mr. Richard Taylor*, a common-council man, prosecuted some men for breaking into his printing office and stealing some property out of it, for which they were transported, but whom he would not have prosecuted if he had not previously ascertained that the connection of the printing office with the dwelling house was not such as to make the act a capital offence.

Mr. Richard Martin, a Member of the House, informed the Committee, that the punishment of death prevented prosecutions in Ireland for horse, cattle, and sheep stealing, for privately stealing in dwelling houses and shops, and in general for all larcenies without violence. Though the extensive estate, of which he is proprietor, be almost laid waste by sheep stealing, he has been prevented from prosecuting by the punishment of death. If the punishment were reduced to transportation, he would certainly prosecute the offenders to conviction. He has no doubt that his estate would be better protected if the law were more lenient; and that the reduction of the penalties of the law would promote the security of property throughout the province of Connaught.

Mr. James Soaper, of Saint Helen's Place, *Mr. Ebenezer Johnson*, of Bishopsgate-street, ironmonger, *Mr. Baker*, of the Tower, *Mr. Lewis*, a retired merchant, and *Mr. Garrett*, an insurance broker, bore testimony to the general repugnance to prosecution which arose from capital punishment; some of them mentioned instances in which they had been deterred by that consideration from bringing offenders to justice. *Mr. Garrett* said, that as far as his observation, there was not one in twenty who did not shudder at the idea of inflicting the capital punishment in cases of forgery *Messrs. Frederic* and *William Thornhill*, hardware men, mentioned cases of theft in which they had forborne to prosecute on account of the punishment of Death. The former added, that he found it to be an almost universal sentiment among his neighbours and acquaintance, that excessive punishment tends very greatly to the production of crime; that he knows many persons who have been great sufferers by thefts in shops and dwelling houses, and who declare that if the punishment of such offences had been any thing less than death, they would have regarded it as highly

criminal in themselves to have forborne prosecution, which they had felt themselves compelled to abstain from in every instance on account of the punishment, and must continue to act on the same principle of forbearance till there was an amendment in the law. He also informed the Committee, that from his knowledge of a great variety of cases, he was convinced the more lenient punishment would more effectually prevent forgery.

Mr. Collins and *Mr. Crowther*, considerable and very respectable traders in Westminster, gave evidence which the Committee consider as of peculiar value. *Mr. Collins* has suffered both from larcenies and forgeries, and was restrained by the state of the penal law from bringing the offenders to justice, which he would otherwise have taken the greatest pains to do. He thinks that the laws of God do not permit life to be taken away for mere offences against property; and that among his friends, many of whom are traders in London and Westminster, he does not know a single exception from concurrence in such sentiments. *Mr. Crowther* stated, that no porter had left their establishment for twenty years for any other cause than theft; that a prosecution had taken place in one instance, and had terminated in conviction and condemnation. "The pain and anxiety," he adds, "occasioned by that event, until we obtained for him the Royal Mercy, none can describe but ourselves; which made us resolve never to prosecute again for a similar offence." The general opinion of the traders in London and Westminster is the same with his own. He declared, that if he received a forged bank note, he should be prevented from prosecution by the punishment of death, and that if the punishment were less than death, he should undoubtedly consider it as his absolute duty to bring the offender to justice. He believes that nine tradesmen out of ten agree with him.

Mr. Stephen Curtis, a leather factor in London, stated several cases of forgery, fraudulent bankruptcy, and larceny, where the persons injured declined to prosecute, from apprehension that the offenders might suffer death; this is the general opinion of the traders of London, though in the opinion of this witness, scarcely a shopkeeper from Cornhill to Charing-cross who does not suffer from shop-lifting.

Mr. Jacob, who has lately travelled through England on business, and *Mr. Jennings*, for some time a shopkeeper near Bridgewater, gave some evidence tending to show that the general sentiments of Traders in the country were, on capital punishments, the same which the Committee had such ample reason to consider as the prevalent opinion of the same valuable class of persons in the Metropolis. *Mr. Jennings* observed, that these opinions prevailed among farmers as well as shopkeepers, and that the capital punishment prevented prosecutions for horse, cattle and sheep stealing, as well as from privately stealing in shops and dwelling houses, and in constructive burglaries.

Mr. Joseph Harmer, who has practised for twenty years as a solicitor at the Old Bailey, gave a testimony which the Committee cannot but recommend to the most serious consideration of the House. In the course of his practice he had confidential communication with at least two thousand capital convicts, and may be presumed to have as good means of understanding their temptations, their fears and their hopes, as any individual in the kingdom. He is now much employed by prosecutors, and from intercourse with them, as well as by former observation of their conduct, has the amplest means of knowing the influence which capital punishment has on their disposition, to aid and enforce the execution of the laws. The Committee must also

also add, that he appeared to them a man of sagacity, as well as of a conscientious and humane character, whose opinions on this subject are entitled to much consideration. Every part of his evidence is so important, that they find it difficult to select particular facts as worthy of greater notice. He informed the Committee, that he knew many instances of persons injured by larcenies and forgeries, declining to prosecute on account of the punishment; that the same consideration strongly disinclines many persons to serve as jurors at the Old Bailey, and induces them to bribe the summoning officer not to summon them; and that he has seen juries influenced, as he believes, by the severity of the punishment in numerous capital cases, but especially in forgeries, give verdicts of acquittal where the proofs of the prisoner's guilt was perfectly clear. Old professed thieves, aware of the compassionate feelings of juries, are, he says, desirous of being prosecuted on capital indictments rather than otherwise. "The present numerous "enactments to take away life appear to me wholly ineffectual; but there "are punishments, which I am convinced a thief would dread, namely, a "course of discipline totally reversing his former habits: idleness is one of "the prominent characteristics of a professed thief, put him to labour; de-"bauchery is another quality, abstinence is its opposite; apply it; com-"pany they indulge in, they ought therefore to experience solitude; they "are accustomed to uncontrolled liberty of action, I would impose restraint "and decorum: were these my suggestions adopted, I have no doubt we "should find a considerable reduction in the number of offenders." He states, that "he has often seen juries reduce the value of things stolen, "contrary to clear proof; there is no reluctance to prosecute or convict, "in his opinion, in murder, arson, burglary in its original sense of nocturnal "housebreaking, highway robbery, with violence and murderous attacks "on the person. The thieves observe the sympathy of the Public; it seems "to console them, and they appear less concerned than those who witness "their sentence. Certainly, the general feeling does not go along with "the infliction of death in the case of crimes unaccompanied by violence; "there are very few advocates for the generality of the present punish-"ments; these punishments rather tend to excite the public feeling against "the Criminal Laws."

IV.

MUCH of the above Evidence sufficiently establishes the general disinclination of traders to prosecute for forgeries on themselves, or to furnish the Bank of England with the means of conviction, in cases where forged notes are uttered. There is no offence in which the infliction of death seems more repugnant to the strong and general and declared sense of the Public, than forgery; there is no other in which there appears to prevail a greater compassion for the offender, and more horror at capital executions.

In addition to the general evidence above stated, to notorious facts, and to obvious conclusions of reason, Your Committee have to state the testimony of some witnesses of peculiar weight, on the subject of Forgery.

Mr. John Smith, a Member of the House, and Banker in London, stated, that he knew instances where prosecutions for private forgeries were relinquished on account of the punishment, and had no doubt that if the punishment was less, prosecutions would have taken place.

Mr. Barnett, also a Member of the House, and a Banker in London, is of opinion, that capital punishment goes extremely to discourage prosecutions in forgery; he knows many instances of this, scarcely a year passed without something of the kind; he is of opinion that the majority of private

forgeries pass unpunished, on account of the severity of the punishment. The punishment of death tends, in his opinion, to prevent prosecution, and to increase the crime.

Mr. J. F. Forster, a Russia Merchant, and *Mr. E. Forster*, a Banker in London, gave some remarkable examples of the repugnance to prosecute in forgery. In one, by the connivance of the prosecutor; a person who was introduced to the magistrate as a friend of the prisoner's, desired to see the forged cheque, snatched it away, and threw it into the fire; a mode of avoiding prosecution which, from other parts of the evidence, does not seem to be uncommon. In another, a forgery to the large amount of fifteen hundred pounds, where the forger and the utterer were both in custody, the prosecution was relinquished merely because the offence was capital; had the punishment been ever so severe, short of death, no endeavour would have been made to save the offenders. In the opinion of *Mr. E. Forster*, more than one half the private forgeries which are committed escape prosecution on account of the severity of the law; he added an example of the like sentiments, in the offence of stealing in a dwelling house, which the Committee consider as remarkable, because it occurred in the officers of a public institution, who usually allow themselves to be less influenced by their feelings than individuals; a committee of a public institution whose house had been robbed, would not engage in the prosecution unless the goods were valued under forty shillings. In this committee were persons of respectable condition in almost all the occupations which are most liable to loss by forgeries and thefts.

Mr. Fry, a Banker in London, mentioned four cases of prosecution for forgery which were prevented by the capital punishment, in one of which the party injured swallowed the forged note, that he might not be compelled to prosecute. *Mr. Fry* explicitly stated, what is indeed implied in the evidence of the preceding witnesses, that as a banker, he should consider his property as much more secure if the punishment of forgery were mitigated to such a degree that the law against that offence would be generally enforced; in nine cases out of ten of forgery which he has known, there has been an indisposition to prosecute.

Dr. Lushington declared that he knew, that in the minds of many persons there is a strong indisposition to prosecute, on account of the severity of the punishment; and that he had heard from the mouths of prosecutors themselves, who have prosecuted for capital offences, where there was a danger of the person's being executed, the greatest regret that they had so done; and many times they have expressed a wish, that had they been able to have foreseen the consequences, they would never have resorted to the laws of their country. He also related the case of a servant who committed a robbery upon him; the man was apprehended, and his guilt was clear; but Dr. Lushington "refused to prosecute, for no other "reason, but that he could not induce himself to run the risk of taking "away the life of a man."

Mr. Charles Attwood, a manufacturer of window glass at Newcastle, and a seller of window glass in London, had observed a very considerable indisposition to prosecute in capital cases among the traders of London generally; and conceives that this reluctance would abate, if the punishment were mitigated to something less than death.

Mr. Isaac Lyon Goldsmid, a broker to the bank, and to merchants, whose experience in the transactions of bankers is very extensive, entertains no

no doubt, that the punishment of death has a tendency generally to prevent prosecution, and thinks that evidence to that effect might be discovered in hundreds of instances. A servant of his own committed a very aggravated forgery upon him. She confessed her guilt to the magistrate before whom she was taken; but it appearing that if she was prosecuted at all, it must be capitally, Mr. *Goldsmid* declined all further proceedings, and she was liberated. In the next family in which she became a servant, she committed another capital felony; and again the severity of the law appears to have been her protection.

Mr. Daniel Gurney, a banker in the County of Norfolk, declared his own reluctance, and had observed a similar reluctance among many bankers and traders in the country to prosecute in cases of forgery, in consequence of the severity of the law. The dread of being instrumental in inflicting death had, with himself, and to his knowledge with others, operated as a protection to the criminal. In illustration of his sentiments, he mentioned the case of a man who was *in the habit* of committing forgery, "and was "not prosecuted in consequence of the capital punishment." *Mr. Gurney* considers that "his property as a banker would be more secure, if the "punishment were not so severe, because there would be more inclination "to prosecute." He also suggested, that if in every town of sufficient importance, an agent was invested with full authority from the Bank of England, to stamp the forged notes that were presented to him, it would be a considerable check to their circulation.—In this opinion *Mr. William Birkbeck*, a banker in the West Riding of York, fully concurred; conceiving that if an agent of this kind were authorized to put a mark upon such notes, indicating that they were forged, it would probably throw them back on the original issuer so early, as to show him the futility of attempting to issue others of a similar description.

Your Committee cannot but consider the suggestion made by these respectable gentlemen as well meriting attention.

After due consideration of this important question, Your Committee are of opinion, that Forgeries are a class of offences, respecting which it is expedient to bring together and methodize the laws now in being. That in the present state of public feeling, a reduction of the punishment in most cases of that crime, is become necessary to the execution of the laws, and consequently to the security of property and the protection of commerce; and that the means adopted by the Legislature to return to our ancient standard of value, render the reformation of the Criminal Laws respecting forgeries, a matter of very considerable urgency. Private forgeries will, in the opinion of the Committee, be sufficiently and most effectually repressed by the punishments of Transportation and Imprisonment. As long as the smaller notes of the Bank of England shall continue to constitute the principal part of the circulating medium of the kingdom, it may be reasonable to place them on the same footing with the metallic currency; Your Committee therefore propose that the forgery of these notes may for the present remain a capital offence; that the uttering of forged bank notes shall, for the first offence, be Transportation or Imprisonment; but that on the second conviction, the offender shall be deemed to be a common utterer of forged notes, and shall, if the prosecutor shall so desire, be indicted as such, which will render him liable to capital punishment. Respecting the offence of knowingly possessing forged notes, Your Committee have no alteration to suggest, but what they conceive could be fit in all transportable offences, that a discretion should be vested in the

Judges to substitute Imprisonment with hard labour for Transportation, where such a substitution shall seem to them expedient. As the discovery of the actual forgers of bank notes has been found by experience to be in the highest degree difficult, Your Committee consider the suggestion of the Commissioners for inquiring into the means of preventing forgeries, of offering an unusual large reward for the detection of forgeries, as worthy of serious consideration; to such rewards in general, the Committee feel an insuperable objection. In the case of forgery there are circumstances which considerably weaken the objection. No jury could convict in such a case, on the mere evidence of an informer, unsupported by the discovery of those materials, implements, and establishments necessary for carrying on the criminal system. The reward would therefore have little tendency to endanger innocent men, by false accusation. The evidence on which the conviction would rest must be of a sort which can hardly deceive. The informer would only furnish the key, by which the means of evidence would be found; the reward would rather be for detection than for conviction.

There are several points on which Your Committee are desirous of offering some observation to the House; two of these are of great importance; the First, relates to the best means of enabling Judges to pronounce sentence of death only in those cases where they think it probable that death will be inflicted: The Second, whether the establishment of unexpensive and accessible jurisdictions, for the trial of small offences, with the help of Juries, but with simple forms of proceeding and corrective punishments, might not be a means of checking the first steps towards criminality. These and other parts of this great subject, the Committee hope that the House will allow them another opportunity to consider, by permitting them, in the next Session, to resume, and if possible to complete their inquiries.

The Committee consider themselves as bound to express their gratitude to Mr. *Evans*, the learned and most meritorious vice chancellor of the county palatine of Lancaster; to Mr. *Long*, a respectable barrister; and to Mr. *Jameson*, a young gentleman employed in the study of the law, for the liberal and useful aid which they have afforded during the whole course of the investigation.

Your Committee will conclude by informing the House, that in pursuance of the various opinions and recommendations which they have stated above, they have instructed their Chairman early in the next Session of Parliament, to move for leave to bring in Bills, for the objects and purposes of which this Report is intended to explain the nature and to prove the fitness.

8 July 1819.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Mercurij, 10° *die Martij*, 1819.

SIR JAMES MACKINTOSH, in the Chair.

HENRY HOBHOUSE, ESQUIRE,

Called in; and Examined.

Henry Hobhouse, Esq. (10 March.)

ARE you aware of any information respecting commitments, convictions and executions, beyond what is contained in the printed returns laid before Parliament?—Some such information may be obtained, but I take it it will be very imperfect; no general returns were made until the year 1805, and no returns specifying the particular crimes were made until the year 1810; and of course, anterior to those periods the information to be obtained must be such as has been casually kept by the officers on the different circuits and quarter sessions.

The return which has been laid before the House, with respect to the convictions and executions in London and Middlesex, from 1749 to 1818, is pretty complete with respect to the number of capital convictions, and also with respect to the number of capital executions for each species of offence; but it does not state the number of capital convictions for each species of offence; do you think that information is accessible?—I am afraid it is not. This return was made out by Lord Sidmouth's directions last year, by Mr. Capper, who is summoned as a witness; he made it as complete as any documents he could procure would enable him to do.

Do you know whether it is made up from the same materials that Sir Theodore Janssen used for the period from 1749 to 1771?—I am not aware; probably Mr. Capper may be able to answer that.

Do you know from what documents this was made up?—Not entirely; Mr. Capper can speak to that.

Are the criminal records preserved?—I do not know to what extent they are perfect; but Mr. Shelton will be able to give that information. There are a certain number of years, beginning in 1772 and ending in 1782, during which there are a much larger proportion of crimes, the nature of which could not be ascertained, than in any other years, either previous or subsequent from 1772 to 1782; the returns are more imperfect than for any period either anterior or subsequent.

This vague head appears to have ceased altogether in the latter year?—It has; during the eleven years which I have particularized, there are only three crimes of which the numbers are ascertained, and those are forgery, murder and riot.

The returns, as at present annually made, contain all the three heads complete; that is, commitments, convictions and executions; and each of the three refers to different species of offence?—Yes.

There seems nothing wanting in the mode of drawing up the present returns but a convenient summary at the end, which would be a very great addition to their value for general use, containing those three things separately; could that be furnished?—That might be easily done.

Do you know how the records of the different assizes are preserved, whether by any officer?—In the course of my experience I have had occasion sometimes to inquire; they are in the legal custody of the clerk of assize, and it depends upon the diligence and accuracy of that officer, whether they are preserved well or ill. I happen to know, that on some circuits they are preserved extremely well, and on others very ill. On the western circuit they are, I know, kept very well. Three or four years ago, a fire happened at the lodgings of the clerk

Henry Hobhouse, Esq (10 March)

of assize of the midland circuit, which destroyed a great many records for that circuit. I know the present clerk of assize for the northern circuit is a very good officer; but he keeps the records of a very small part of the northern circuit. In the counties palatine there are separate officers. He keeps the records of Yorkshire, Northumberland, Cumberland and Westmorland.

You have a calendar of each assize sent to you, have you not?—Yes, we have.

From what time were the calendars sent in?—I do not know from what time, but it has been quite of late years.

The offences of personating, are personating seamen and soldiers and stockholders, are they not?—I conceive so.

Under the head "coinage," the high treason with respect to the coin is of course comprehended?—Certainly.

But not the other capital offence of uttering?—That is a distinct head.

Can you inform the Committee, whether there is any instance where the judges are now authorized to pronounce sentence of transportion, the conviction being capital?—I believe not.

Do you think the number of persons capitally convicted can be supplied to any considerable extent?—By searching the records at the Old Bailey and the other judicatures, I have no doubt.

Does not it appear to you, that these returns, where they are incomplete, rather contain unascertained offences than different offences?—Certainly.

John Henry Capper, Esq. called in; and Examined.

J. H. Capper, Esq.

ARE you aware of any sources of information with respect to earlier or more minute information of commitments, convictions or executions, than those already before Parliament?—No, I am not; there has been much difficulty in collecting them together; in the year 1805, it was first taken up by Lord Hawkesbury, his Lordship who directed the returns to be made.

You are aware of the deficiency in one respect in these returns of London and Middlesex, and of England and Wales, in the early years; that there is a complete account of the commitments; there is also a complete account of the capital convictions during a certain period; and also a complete account of the executions for each offence, but there is no account of the capital convictions for each offence?—No, not from the year 1805 to 1810; I am not aware how that difference arose, further than this, that I think from the inaccurate accounts that the goalers had kept we did not like to rely upon them, but I will see whether it can be done with any effect, if the Committee desire it.

[The Committee requested that the witness would put them into possession of any information he could collect on this subject.]—There is another return which is of the executions for London and Middlesex, from 1749, there is a deficiency in that; the first part of it is collected from Janssen's tables; it was followed up from documents obtained from various keepers of Newgate, until a more methodical account could be obtained.

Does not that summary differ in some particulars from Janssen's?—Not as to numbers; I think it has been compared with Janssen's tables in the 2d volume of Howard.

What do you take to have been the materials from which Janssen's tables were formed?—The records, I believe, that he had procured in London and Middlesex.

He was sheriff, alderman, and lord mayor of London?—He was; in consequence of the fire in the year 1780, at Newgate, we were thrown into a great difficulty, and prevented being more accurate.

It is stated, that in the year 1817, the number of persons having forged bank notes in their possession was one hundred; it is stated in the returns from the Bank, that there were 96 or 97; can you explain how the difference arose?—I should conceive the documents will explain that; probably some reservation of judgment at the end of one of the sessions.

When was the practice introduced of sending a copy of the calendar of each assizes to the Secretary of State's office?—Not further back than 1805; I think it was but a very short period before that, if at all.

Do you happen to know, whether previous to that time they are preserved among the records of the different circuits?—I conclude they are.

Thomas Shelton, Esq. called in; and Examined.

Thomas Shelton, Esq. (12 March.)

YOU are clerk of the arraigns of the sessions of oyer and terminer and gaol delivery at the Old Bailey?—Yes.

You have for a long time filled your present office for the London and Middlesex sessions?—A great many years.

How many years?—Ever since February 1784; about 35 years.

You have seen the summary of convictions and executions from the year 1749, which has been laid before parliament?—I have seen it.

Did you examine it?—No, I have not examined it prior to the year 1805.

Did you look at its general nature? Are you aware of its general nature?—Yes I am, because every year a return is made by me of the persons tried at the Old Bailey sessions, beginning from the year 1805, down to the present time.

That return was first made in the year 1805, by direction of the home secretary of state, was it not?—It was, in consequence of addresses from the house of commons.

It was from directions sent for that purpose?—Yes, from the home secretary of state.

And under directions of the act of the 45th of the king?—Yes.

These returns, which have been made since the year 1805, are complete, with respect to these three particulars, namely, the commitments for each offence, the capital convictions for each offence, and the capital executions for each offence?—Yes.

But the summary laid before Parliament, from 1749 to 1805, contains only the general number of convictions for capital offences, and executions for each offence?—The general number of capital convictions only.

I mean to confine my question only to capital convictions and executions, but it does not contain the number of capital convictions for each offence?—No.

It does contain the number of capital executions, but not of capital convictions?—That is so.

Do you conceive that there could be any means of supplying that defect before the year 1805?—Yes, certainly.

What are the means you think might be used?—By having reference to the records.

Would that be a very laborious and tedious process?—It would be attended with a considerable degree of trouble certainly; but not so much as to make it an obstacle.

In what time do you think it might be accomplished?—Probably in a week.

How far back could the search be made in that time?—As far back as 1749.

Do you suppose that it might be carried as far back as 1719 or 1720, in the course of a fortnight?—It might be difficult to obtain the records before the year 1749 or 1750; the records for Middlesex are at the Clerkenwell Session House, with the clerk of the peace; all up to 1749 or 1750 for Middlesex, are at the Sessions House at Clerkenwell; and the records for London are at Guildhall; and I rather think, from what I have observed, they are in a very confused state indeed. I should hardly think it possible to do it in a fortnight, or even in a month, as far back as 1720, for they lie piled up in a room all interspersed and mixed; instead of the indictments of each session being kept distinct and separate, they are thrown together in confusion.

With respect to the state of preservation of the records for the county of Middlesex, kept at the Sessions House at Clerkenwell, what is their state of preservation?—I rather think they are in a good state of preservation; I had occasion to examine books of early dates, and found them kept very neatly.

The records for all the Middlesex trials at the Old Bailey, are kept at the Sessions Hall Clerkenwell, prior to 1746?—Yes.

What is the name of the clerk of the peace for Middlesex?—Mr. Selby.

Will you have the goodness to take measures to direct a search to be made as far back as the year 1749?—Certainly.

We will describe what we wish, namely, the commitments upon each capital charge, the convictions and executions upon each capital charge?—Yes, that shall be done.

What do you, speaking upon conjecture and general estimate, take to be the

Thomas Shelton, Esq. (12 March.)

proportion of the persons capitally convicted, compared to the proportion of those who receive sentence of death?—I believe in the paper which you alluded to just now, the number of capital convictions and executions are stated; this is a copy of that account, showing the number for London and Middlesex. *(Handing it in.)*

The proportion in that account is rather more than one in twelve?—Yes.

In your experience of these proceedings, what do you think is the effect or result, with respect to the impression made by pronouncing sentence of death on the minds of malefactors and spectators?—It depends a great deal upon the address made to them by the judge who passes the sentence. I have not an opportunity of seeing the prisoners afterwards when they go from the bar; many of them receive it with great indifference indeed, many of them, but some of them are greatly affected.

What have you observed to be generally the apparent effect produced upon criminals, by hearing an unfavourable verdict given against them in a capital case?—Some of them seem to labour under great anxiety, and you may discover it particularly in their attention to the jury whilst they are considering their verdict; some of them show a considerable degree of feeling when they hear the verdict pronounced, if it be a verdict of guilty, and others (and I am sorry to say the greater part by far) hear it with great indifference.

Should you judge from the way in which generally old offenders receive the verdict of the jury against them in capital cases, that they conceived it to be a sentence which is to be accompanied with the loss of life?—They certainly appear some of them to be more alarmed than others.

You mean old offenders?—Yes.

Do you suppose, that that arises from their belief, that judgment will be more likely to be executed against them than others, or from the experience they have had of the law taking its course in the case of other people?—It occurs to me, that it is from the apprehension that the law will take its course, and that they conceive it probable the sentence of the law will be executed.

A very considerable number of those persons who are tried at the Old Bailey, one may say, are malefactors by profession, that is persons habitually engaged in crimes?—Yes, they are.

A great number of persons are more than once or twice brought to that bar?—Oh dear, some are brought many times.

Allow me to ask you, if you have had considerable experience of the reluctance of prosecutors to appear against criminals?—Yes.

Pray to what extent has that been observable in small offences that are capital by law; do you not find, in almost all instances where the crime is not in itself of an atrocious description, but capital by law, that there is a reluctance in individuals to prosecute?—No, not generally; in cases of stealing in a dwelling house to the amount of upwards of forty shillings, and privately stealing in shops to the amount of five shillings and upwards, there is a great anxiety on the part of the prosecutors generally to undervalue the property stolen, and to reduce it under the sum that makes it capital.

What do you suppose to be the cause of that?—It is lest the party should be capitally convicted.

Then there is a considerable reluctance in those instances you mention, in the parties, to prosecute capitally?—Certainly; but the officer who frames the indictment, frames it according to the nature of the offence, and that has been done with more particularity lately than in former years; in many cases formerly it was omitted to be stated, that the property was stolen in the dwelling house, or that it was to the amount of forty shillings.

That was the case at the begining of your time?—Yes.

In the case of murder, do you find any reluctance to prosecute?—No, except in cases of the murder of bastard children.

But not in cases of the murder of men and women?—No.

Do you find it so in very atrocious cases of burglary; do you find that there is, in such case, a great reluctance to prosecute?—I recollect but very few instances of burglary, unless it be constructive burglary, where a shop window is broken, or a latch lifted, and the party enters into a house in that way; in many cases of that sort, the prosecutors would willingly forbear, from that circumstance, to elude the indictment being capitally framed.

As there is no reluctance in very atrocious crimes, and considerable reluctance

Thomas Shelton, Esq.
(12 March.)

luctance in smaller crimes, you would infer, that as the offence diminishes, the disinclination to prosecute increases; that is, that the punishment being less, the disinclination to prosecute becomes greater?—Certainly.

Allow me to ask you this question, whether you think, from your experience, that if sentence of death were pronounced only in those cases where it is in general executed, it would much increase the effect of the sentence of death on the minds of malefactors and spectators?—Yes, I conceive it would, because when a person is sentenced who is convicted of murder there is a great impression made on the mind of the offender, and also on the mind of every person present.

The general practice is to pronounce sentence at the end of the sessions at the Old Bailey?—Yes; except in cases of murder, when sentence is pronounced immediately after conviction, as it is enacted by Act of Parliament that it should be pronounced immediately.

That is, by the Act of the 25th George II.?—Yes.

In what manner is sentence of death pronounced for smaller offences, where it is not immediately and individually pronounced?—At the close of the session, those who have been capitally convicted are all put to the bar together, and sentence is passed upon them.

What number do they amount to generally, in point of fact?—From twenty to forty.

Pray have you observed, in cases of forgery and other offences, not affecting personal security, that there is a reluctance in witnesses to appear?—I believe it very frequently happens in cases of forgery.

Do you think that there is a reluctance in witnesses to give their full evidence on those occasions; I mean is there a disposition to suppress facts that materially affect the life of the prisoner?—I have not observed particularly that there is, but rather that there is a reluctance in witnesses to appear; and I believe persons have relaxed much in cases of forgery of late years. Bankers were extremely rigid formerly, but latterly persons have been discharged by proclamation for want of prosecution.

In cases of forgery, prisoners may be charged either upon the capital or the minor charge, as to bank notes; in fact the same prisoner may be charged in two separate ways; have you observed that juries are more disposed to convict upon slighter evidence, when it is not a capital charge, than they are when it is a capital charge?—It rarely happens that the minor offence is charged; for in general, if not always, two indictments are preferred, one for disposing of and putting away the forged note, which is a capital felony; and the other, for having in possession the same note, without lawful excuse; and the parties prefer pleading guilty to the indictment for having it in possession, and not guilty as to the heavier charge, as they are aware, that in nine cases out of ten the Bank will not prosecute upon the capital charge.

Taking the charge as to stealing in a dwelling house, is there a greater reluctance to convict in a jury, when it is a capital offence, than when it is not capital?—They seek every opportunity, when it can be done with propriety, to reduce the value of the article stolen under forty shillings; and that they do very frequently indeed, for it often happens where property is missed, that it cannot possibly be proved to have been all stolen at one time, although every person who hears the evidence given will suppose it taken at one time; yet inasmuch as it is not proved that it is all taken at one time, so as to amount to forty shillings, they make it amount only to thirty-nine shillings.

Then I understand you to say, that juries are willing to resort to any expedient they can, in order to reduce the penalty of capital punishment to some other punishment?—Yes, if they can devise means, not contrary to their conscience, and justify it to their own minds, they being on oath, they certainly will take every means they can to excuse the party charged of the capital part of the charge.

Have you not seen many instances, in which juries have brought in a verdict of *not guilty*, directly contrary to the evidence in capital cases, according to your own view of the evidence?—It sometimes happens, that juries acquit prisoners in cases where persons who are in the habit of attending courts would find no difficulty in convicting them; but I have not observed a reluctance in juries to find a verdict of guilty more in these cases than they have in other cases; but where persons are indicted for privately stealing in a shop or dwelling house,

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and where the crime is capital by the law, and the opinion of the court, they have done every thing they can to excuse the party.

I observe in the account of the number of persons committed to Newgate for shoplifting, sixteen only were convicted capitally, in the account published by Mr. Browne the other day?—I rather think that account is not correct.

But in this article it is correct, for fifty were committed for that charge, and only sixteen were convicted of the capital charge?—I know that I have looked over that account, and I thought it very inaccurate; I do not know whether it be incorrect in regard to the privately stealing in shops, but in other particulars it is so.

Do not the juries often resort to the expedient of finding prisoners guilty of the lesser offence, in a manner not suggested by the judge from the bench?—They do.

Do they not endeavour to find a reason for stating, that the larceny was not committed in the dwelling house, where they cannot reduce the value?—That can but rarely happen, insomuch so that an instance does not even occur to me, as the property is generally proved to have been taken from the dwelling house, so that they cannot excuse themselves from finding a verdict of guilty on that part of the charge.

In shoplifting do they not find a verdict often, upon the ground that it is not privately stealing?—Certainly.

Have you observed, that there is an indifference in the demeanor of prisoners during their trial for crimes, when the punishment is not executed; and has not that indifference increased in your experience of late years?—No, not at all.

I think I understood you to say, that in the case of smaller crimes, which are made capital, you have observed a disinclination on the part of witnesses to appear?—In the cases of forgery.

Have you observed such a disinclination on the part of witnesses to come forward in cases of murder, or in cases of very atrocious burglary?—Certainly not.

Allow me to ask you how you account for the fact, that but two persons were sent to Newgate for the county of Middlesex, for forgery upon private individuals, as distinguished from the bank?—I was not aware that there were so few in number.

Then be so good as assume it, as it is so; there were but two persons sent to Newgate for forgery on private individuals in the year 1818; how do you account for that fact?—I have no means of accounting for it at all, inasmuch as I have not had my attention directed to it; I know that there was one person who was committed during the year 1818 for forgery, and I am aware that the banker, the party defrauded, did not come forward to prosecute, so that the prisoner was discharged by proclamation.

You assigned a reason already, namely, that it was by the growing disinclination of private bankers to prosecute?—In general it is so.

With respect to other very atrocious crimes that attack a person's safety, and are attended with circumstances of violence or cruelty, you have never observed any disinclination in prosecutors, witnesses, nor juries, to lead to conviction?—No, none at all.

Nor in regard to the crime of rape?—No.

Nor in respect to any crimes shocking to one's feelings, or of that sort?—Certainly not.

But it is as to these, and crimes endangering life and personal property?—Yes.

There were some acquittals of rather a singular nature, for forgery, in the last December sessions?—Yes there were, and it was on account of the jury not being satisfied as to the bank notes being proved to have been forged.

Was there not one case, in which all the proofs desired by the jury, which were withheld from them were given, and yet an acquittal followed?—I remember two or three acquittals where the signing clerk was not brought forward, but the inspector only; but since that period, in the bank prosecutions, they call the signing clerk as well as the inspector.

It appears that the number of capital convictions, relating to the counterfeiting gold and silver coin, has been very small?—It very rarely happens that prosecutions occur for coining upon the capital charge.

All

All these answers which you have given, we understand to have been the result of your experience during the time when you have filled your present office at the London and Middlesex sessions?—Yes.

And the two cases to which you speak most distinctly are those of shoplifting and stealing in a dwelling house to the amount of forty shillings, and also as to forgery, upon which those observations occurred?—Yes.

Do you think that if those persons tried in the December sessions had been tried upon the minor charge, they would have been convicted?—I rather think not; for one or two gentlemen upon the jury seemed very attentive, and asked a great number of questions with regard to whether the bank notes were actually forged or not; and one of them threw out doubts, which he communicated to his brethren; and I believe the acquittals proceeded upon the doubt whether there were sufficient evidence to satisfy them whether the bank notes were forged or not, and if that were the case, the acquittal would have happened on the minor charge as well as on the capital charge of the forgery.

Do you think that that would have been so if the life of the prisoner had not depended upon their verdict?—I rather think not, but I do not know.

You are asked that question, because it happened that a person, a few days before, being only tried upon the smaller or minor charge, was convicted?—I do not immediately recollect the case you allude to; but the bank afterwards called forward the signing clerk as well as the inspector, and who could prove positively that the signature was not in his hand writing, and that removed the difficulty which the jury had in the other cases.

You cannot know the reluctance of prosecutors to take any steps at all from the first, as you only know it after the apprehension of the delinquent?—Only then.

After that apprehension, do you find that on the part of private bankers there is a considerable degree of indisposition to prosecute?—Yes.

What is the class of persons who form the London and Middlesex juries at the Old Bailey, generally speaking?—Tradesmen and shopkeepers in general.

They are never a class of persons so low as the common juries upon assizes in crown cases?—I believe those are generally made up of farmers and country shopkeepers; they are taken here indiscriminately from the neighbourhood; say Tottenham Court Road or Oxford-street; and I rather think they take them promiscuously, and go through four, five or six streets; so that there is a great mixture amongst them.

I suppose you could not give me any idea of what proportion of bankers there are who are disposed to prosecute persons guilty of forgery; that is, whether the proportion be as five out of six, or nine out of ten? can you state that proportion?—No; unless they be committed it does not fall under my observation.

If they are committed, what proportion do you think there are?—Unless there be particular circumstances to call my attention to their cases, I have no communication with them, nor they with me, as the instructions for the indictment are generally given through the medium of a solicitor; it is only therefore in particular cases of those who are committed to trial, that I am able to come to the conclusion I do. Now, there was a person of the name of Adams charged with forgery, I think in the December sessions, as to whom, from what fell occasionally under my knowledge, I made up my mind that the prosecution would not be carried on effectually, and as I supposed it turned out, that the banker's clerk did not appear, and consequently the prisoner was acquitted; there was another case, namely, that of a man of the name of Marsh, who committed a forgery on Messrs. Masterman and company, and I happened to know that there were two other forgeries said to be committed by that man likewise; but the friends of the man raised the money, the parties were satisfied, and there was no prosecution at all. Probably, the disinclination to prosecute arises more in regard to forgeries to an inconsiderable amount; but if it be an object to the parties forged upon, if the sum be large, it is of importance to them if they can, to get repaid.

Do you recollect ever of an execution for shoplifting in your time, for there does not appear in this return to be any?—No, I do not recollect.

There appears to have been none since 1763?—I do not recollect one. I have a faint recollection of a man having been executed for shop-lifting nearly forty years ago.

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This case is more than fifty years ago?—This is within that time considerably, but I cannot undertake to say, if it were not a man who had been tried a great many times, and had offended very notoriously.

For the last seven years I think there is no execution for horse-stealing in London or Middlesex; have there been many convictions for that offence during those seven years?—Several convictions.

Is not that an offence for which you find that there is a disinclination to prosecute capitally?—If they prosecute at all, it must be capitally.

And therefore do not you find a general disinclination to prosecute?—No; I have not observed any disinclination to prosecute in cases of horse-stealing.

Except by accident you cannot know it?—No, it is only where the circumstances come under my knowledge.

Are not women the persons who are generally convicted of shoplifting?—Yes, more frequently than men a great deal.

And in many cases they are women who have been in a respectable sphere of life?—Certainly they are so, but not frequently.

Do not you think it has an injurious effect, the passing sentence of death upon persons convicted of atrocious offences, such as burglary, by entering a dwelling-house in the dead of the night, and at the same time passing that sentence on persons where there is no probability of its being carried into execution, such as upon a young woman convicted of shoplifting?—If a selection were made it would have a greater effect, because certainly there are a great number of persons put to the bar, many of whom have no expectation of the law taking its course, while a number of them have that expectation.

Is it the practice of magistrates to commit persons in cases of shoplifting, and stealing in a dwelling-house; or have many cases come under your observation of prosecutors who have been bound to prosecute, having forfeited their recognizances rather than do it?—No, I do not recollect one.

I observe, that since the year 1749, there has been no execution for cattle stealing till last year; do you know the circumstances of that case?—No, I do not recollect the circumstances of that case.

Have you met with many cases of that description, of privately stealing and shoplifting, where the prosecutor has wilfully withdrawn a material witness?—No.

You have not been led to suspect it?—No, I have not.

I am going to put a question to you, the purport of which is, to request you to subdivide an offence more accurately than is done in this summary; does forgery and uttering forged instruments form one class of offences, and include bank-notes?—It is the forgery of negotiable instruments, exclusive of bank-notes; it is such as bills of exchange and promissory notes.

They are all put together here, bank notes and all in the return you gave me just now?—But not in the parliamentary return from the Old Bailey.

There are sometimes cases of cattle stealing, but very rarely?—Very rarely.

There are no instances of cattle stealing since the year 1749, but one?—No.

The maiming of cattle is another capital felony; but there have been no executions for that offence in your time?—No, and very rarely convictions, that I do not recollect; but I recollect convictions for cattle stealing.

But no execution till last year?—I do not recollect any.

There is no entry but one since 1749?—No.

And but very few executions for stealing upon navigable rivers, but some few lately. Three in one year, and two in another?—The crime has become so prevalent, and the conduct of the offenders so daring, that it was necessary to make an example.

Do you recollect any instance of execution for sheep stealing at the Old Bailey, for there is none here?—No.

Do you recollect any conviction for sheep stealing?—Several; I think there are two persons now convicted of sheep stealing, whose cases are unreported.

I would ask you generally, do you not think that in offences not atrocious, if the punishment were mitigated, the prosecutions and convictions would become more certain?—No; parties are not prevented after the offences are committed, for then they are irritated, and the offender is taken before a magistrate, and put in the course of prosecution by the injured party being put under recognizance, so that they have not any discretion to exercise, and unless in cases where the punishment depends much upon the value of the property,

I do

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I do not observe any disinclination injurious to convict in one case more than another.

But as to forgeries, there is a disinclination to prosecute?—Yes.

Now supposing, in that particular offence, if the punishment were mitigated, do not you think, that persons might be more disposed to prosecute?—Yes.

It would cause a greater certainty of conviction and punishment?—Yes, because, generally, persons convicted of forgery were executed, and, indeed, it was almost universally the case.

Do you think, that the severity of the punishment operates to the encouragement of the crime, by the not carrying that punishment into effect?—It increases the number.

I suppose it would be impossible to form an estimate of the number of persons tried at the Old Bailey, that are old offenders, distinguished from those who are new offenders?—They come repeatedly, over and over again, on trials for forgery and disposing of forged bank notes; perhaps a whole family will come, one after the other; and for coining, the same thing is observable. Persons who put off bad money, uniformly come to the bar of the Old Bailey till they are convicted, or disposed of one way or other; if they be acquitted in one session, they come the next, and so continue till they are convicted; it is almost to a certainty, that they will come again.

In the case of shoplifting, do not you find that a great portion of the persons tried for that offence, are not persons who are regular traders in thieving, but are persons in better circumstances, particularly the women?—Many of them are in the habitual practice of it, but, at the same time, a great many are not; but the magistrates would be better able to answer that question, because when they come to be tried at the sessions, there is only one specific charge against them, and the court hear and know nothing more about them; but, perhaps, somebody would inform the magistrate, that the person brought before him under that charge, was in habits of that sort, but in the court, during the trial at the sessions, it is not permitted to be mentioned; indeed, a person would be reprimanded were he to do so.

They often bring witnesses as to their character?—Yes; and the only way to get their character, is to be put to the bar of the Old Bailey.

Who has the custody of the criminal records of the city of London?—Mr. Woodthorpe.

Could you furnish, for the last year, a list of those persons who were imprisoned upon the capital charge, who were afterwards tried upon the minor charge, and likewise a list of those persons who were indicted capitally, and upon whose trials the jury found that the offences were not capital?—It appears in the annual returns laid before Parliament; that will appear already in every case; there appears therein, the offence for which they were committed, the offence for which they were indicted, and the verdict of the jury.

How many were committed on the home circuit last year, on a capital charge of burglary?—It appears, that it is 94, from the return annually laid before Parliament.

Of these were tried capitally 83?—Yes, as appears from that same document, the annual return.

And that 40 were convicted capitally?—Yes.

WILLIAM DAVID EVANS, ESQ. called in; and Examined.

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YOU are a barrister, and vice chancellor of the county palatine of Lancaster?—Yes.

How are the criminal records of the county palatine of Lancaster preserved?—I have no particular opportunity of knowing; but I know that the officers both for the quarter sessions and the assizes, are gentlemen of great activity and attention, and I have no doubt they keep them correctly in their respective offices.

Do you know how far back they are preserved?—No; there is a general report to the House of Commons upon the records; and I have a recollection that it was distinctly mentioned, *upon that occasion*, in that report.

I know that you have paid great attention to every subject of law, and have acted as a magistrate in Lancashire?—I was, upon the institution of the appointment of a stipendiary magistrate for the town of Manchester in 1813, appointed

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to that office, and I held that office till I resigned it to change my residence to London in the spring of 1818.

Have you in your character either as a lawyer or as a magistrate, had any opportunity of making observations upon the same subjects upon which you have heard Mr. Shelton examined?—I think I have had some general opportunity as a barrister and as a magistrate, very extensively in Manchester.

As you have heard the examination of Mr. Shelton, the Committee would be happy to know, in what degree the result of your experience coincides or differs from that evidence which he has given?—I think that in the county of Lancaster the magistrates have been very much in the habit of exercising the discretion of not committing for a capital offence, but only committing for larceny, where the cases were not aggravated, so as to lead to execution. Liverpool and Manchester, where the principal business arises, are at a great distance from Lancaster, where the assizes are held, are occupied for a fortnight on trials, in which there is no discretion; and ever since I practised as a barrister, which is since the year 1794, it was very generally the custom to commit to the quarter sessions, as for mere larcenies, in cases that were not serious in their nature.

Was larceny in the dwelling house one of these?—Yes; in general the cases of trials for larceny in the dwelling house, or stealing privately in a shop, are very few Lancaster. I have made some observations upon that subject since 1794, and even since 1783, when I entered as a clerk to a solicitor, who was clerk to a magistrate, so that my observations go back to 1783.

With respect to larceny upon rivers, do your observations apply to that?—I do not recollect a single prosecution for a charge of larceny upon navigable rivers; it is rather singular, that the act as to that offence took place in the year 1755 or 1756, I am not certain which, but I think it was about a year or two before the duke of Bridgwater's act was passed, and it has not since been thought necessary to extend it to canals. *(Witness referring to the Act.)* The expression in that Act is this: "upon any navigable river or port of entry or discharge within the kingdom." That is the act of the 24th of George the Second, which is within a few years before the act of the duke of Bridgwater.

With respect to the offence of horse stealing, and sheep stealing, what has been your observation in Lancashire and Cheshire?—They have neither of them been very numerous offences; but before touching upon them, I may perhaps be allowed first to allude to the London case, which has been mentioned in the report, I mean the case of stealing upon a navigable river; it was the case of three persons who were concerned in committing one offence, that was alluded to, and their offence was for stealing silk on the river Thames, to the amount of many thousand pounds. As to the point in your question, convictions for horse stealing, sheep stealing, or cattle stealing, are not very numerous in that county, nor prosecutions for them. In the county of Chester, the convictions for stealing cattle bear rather a high proportion to the total number of capital convictions, but I have no recollection of any execution in that county for any of those offences; there are but a few cases of execution for horse stealing in Lancaster, and I recollect only one case of execution for sheep stealing. The offence of forging, or rather of uttering forged bank notes, is extremely frequent in that county, and more so there than anywhere else, except in the metropolis, for which a reason may be assigned, not generally known, which is, that the circulation there is entirely of coin or bank of England paper, for there are no provincial notes there, and that makes that offence more frequent.

Do you recollect the time when the great circulation of the bank of England notes began in the county of Lancaster, and when they supplanted almost entirely the provincial bank notes?—Provincial bank notes were never very frequent in the county of Lancaster; they were introduced into Lancaster, I believe, earlier than into any other counties, but the house of Livesay, Hargreave and company failing, their failure in the year 1788 caused a very considerable public impression, as there were great losses sustained by that failure, and from that time the county discouraged the use of provincial notes ever afterwards.

That was further increased by the failure and distresses of 1793, when there

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was a failure at Liverpool of a county banker?—There was one great failure in 1793, but not connected with local notes; it was the case of Caldwell.

When you were first acquainted with the administration of criminal justice in those counties, forgery was pretty uniformly punished with death?—It certainly was in the kingdom at large; there have not been many instances of private forgery in the county of Lancaster, but the circulation of forged bank of England notes is extremely extensive there, more than any where else.

The prosecution to conviction for forged bank notes was greater then than of late years?—For the last seven or eight years it was almost uniform; I recollect in one year, that of 1809, thirteen persons were convicted at two assizes in the county of Lancaster, all of whom were executed.

With respect to the disinclination of prosecutors to proceed, through their being deterred from its being a capital punishment to prosecute in some cases, have you made any observation that coincides with what has been stated by the former witness?—I never saw any thing of the kind, for commonly the magistrates clerks conduct the prosecution, and are therefore perhaps to be looked on as public prosecutors; there is no private malice.

What is the name of the person who has the care of the criminal records of that county?—Mr. Shuttleworth, clerk of the crown, and Mr. Gorst, clerk of the peace, both living at Preston.

Is there any communication upon the general subject of this inquiry, that occurs to you, that would be useful?—I have made certainly several notes relative to this subject; for the parliamentary committees engaged in inquiring upon the subject of police last session, confined their inquiries chiefly to the police of the metropolis. Previous to my leaving Manchester, I had made some observations as being applicable to the county of Lancaster, and also to the general state of the criminal law of the country, for it is certainly a singular phenomenon, that the number of persons imprisoned in the county of Lancaster, and particularly in the hundred of Salford, bears a greater proportion to the entire population than any other part of the kingdom, and at the same time it may be easily shown, that perhaps as active and well regulated a police is kept up in that particular place as in any part of the kingdom. I also, previous to receiving notice for attending this Committee, had conceived an idea, in consequence of the publication of the statutes now upon your table, that I might classify the capital punishments, and that some general tables might be made which might greatly facilitate the inquiry.

It would be particularly useful in this very convenient arrangement which you have made of the statutes, if you were to do so?—I have papers here, from which I could illustrate the general ideas I have upon the subject, and perhaps also with regard to the general nature and history of the progress of criminal law. There is an impression gone abroad, that there are a great number of acts of parliament, perhaps two hundred, or some more, constituting capital felonies, which may be true in a literal sense, but not so in another sense, so that it is a report calculated to excite an erroneous impression. The criminal legislation may be considered as commencing from the reign of Henry VIII; and I have the criminal laws all stated here chronologically, and arranged as in the other papers, but I had better get it fairly written out before I lay it before the Committee.

Might you not consider the criminal law as rather beginning with the reign of Edward VI?—That reign continues some of those laws enacted in the reign of Henry VIII. In the mode of enumerating the statutes there is this fallacy, namely, that many of them consist in giving to a new subject the same penal sanctions, which already exist under other laws applicable to similar subjects, such, for instance, as the laws relative to the creation of stamp duties, and whenever a new stamp duty upon an instrument is created, the forging of it is made a capital offence.

Because it is a forgery of some particular thing?—Yes; and I think that some statutes are comprehensive enough to include particular cases which are not adverted to; for instance, as to stamp duties, there is a general consolidation act of the 52d of the present reign, which is applicable to all stamps to be imposed at all future periods. There is a statute of Geo. I, as to companies having transferable stock, that is the act of the 8th Geo. I, to preven

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the mischief of forging the powers to transfer such stock, or fraudulently personating the true owner. It contains very general expressions as to the stock of public companies; towards the latter end of the reign of Geo. II, there was a doubt, as to whether that act of Geo. I, extended to similar establishments that were of future creation; and therefore by an act of the 31st Geo. II, the provisions of the statute of Geo. I were extended to all companies then existing, or to be afterwards established, and therefore any subsequent act containing the introduction of that clause, is not to be regarded as a new criminal law.

There are two clauses, one referring to the new law, and the other referring to the former law?—Yes; in comparing the laws, and adverting to the progress of the law, with respect to different subjects which now are capital, and have been so formerly, I think it is by no means immaterial to attend to the history of the law with respect to benefit of clergy, which until the reign of Queen Anne was not as it is now, a mere nominal and formal distinction, and which so lately as the reign of Charles II, we find was evidently practically attended to, as appears particularly by a report which I have in my hand, as well as from some of the statutes enacted in the course of that reign. The book to which I allude, is the reports of cases in pleas of the crown, adjudged and determined in the reign of the late King Charles II, collected by chief justice Kelyng. In that book there is the report of a case, in which the ordinary being disposed to report, that the thief, who was under trial, could read, the judge suspecting that he could not, watched him, and finding that it was so as he suspected, censured and fined the ordinary. The case is this: "At the assizes at Winchester, the clerk appointed by the bishop to give clergy to the prisoners, being to give it to an old thief, I directed him to deal clearly with me, and not to say, *legit*, in case he could not read, and thereupon he delivered the book to him, and I perceived the prisoner never looked upon the book at all, and yet the bishop's clerk upon the demand of *legit* or *non legit*, answered *legit*; and thereupon I wished him to consider, and told him I doubted he was mistaken, and bid the clerk of the assizes ask him again *legit*, or *non legit*; and he answered again something angrily, *legit*; then I bid the clerk of the assizes not to record it, and I told the parson he was not the judge whether he read or not, but a ministerial officer to make a true report to the court; and so I caused the prisoner to be brought near, and delivered him the book, and then the prisoner confessed he could not read; whereupon I told the parson he had reproached his function, and unpreached more that day than he could preach up again in many days; and because it was his personal offence and misdemeanor, I fined him five marks, and did not fine the bishop as in case he had failed to provide an ordinary." It does not appear what became of the prisoner in this case. There is also another case which I may cite from the same book, to show that the court judge of reading, and not the ordinary; and it refers to the 9th of Edw. IV, chap. 28; it is this, "one demands his clergy, and the court took the book and turned him to a verse, and he could not read well, but read one word in one place and another word in another place. And the judges asked the ordinary, if he would have him, and he answered, yea. The judges bid him consider, and told him the court was to judge of his reading, and if the court should judge he did not read, the ordinary should be fined and the prisoner hanged, notwithstanding his demanding of him, and he was hanged." The 22d and 23d of Charles II, chap. 7; it respects the burning of houses and stacks of corn and hay, and the killing and maiming of cattle; directs, that the party guilty of those offences shall be deemed a felon, and the offender shall suffer as in cases of felony, withing saying, "without benefit of clergy;" and therefore gives a prisoner an option to avoid judgment of death or execution thereupon, to be transported for seven years, which is a proof that clergyable felony was then considered as an offence that might be practically attended with capital punishment.

That is an important observation as to the state of the antient law, as it shows the act of Edward VI has not the same effect upon the law of England as a similar statute would have now, or which a cursory reader would suppose it would, as it has the same effect to those who could read, but not to those who could not?—Yes, it is very material in that point of view; the earliest act which I am aware of, which at all takes away the benefit of clergy, is the act of the 12th Henry VI, chap. 7, which takes it away from the crime of murder in a particular

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particular case, and says, "that if any lay person shall hereafter murder their lord and master, or sovereign immediate, they shall not be hereafter admitted to their clergy;" so that it appears, that that law was applicable only to any lay person, but still allowing those that were in orders to murder with impunity.

What do you understand by that phrase, "sovereign immediate?"—It was relative to petty treason.

Was it the vassal of a mesne lord?—I should think it was only the servant. Then in the reign of Henry VIII the being actually in orders is a ground of excuse from capital punishment in serious cases; for instance, the act of the 23d Henry VIII, chap. 1, in which it is provided, that persons guilty of petty treason, wilful murder, of malice prepense, robbing churches, and robbing persons in dwelling houses in certain cases, or wilful burning dwelling houses or barns with corn in them, shall not have the benefit of clergy, but shall suffer death, excepting such as be in holy orders, such as sub-deacon or above; and the first act which excludes it in piracy absolutely, was passed a few years afterwards, namely, the 27th Hen. VIII, chap. 8, which is the first act that I am aware of, that generally excludes the benefit of clergy without the exception of persons in holy orders. The statute of the 1st of Edw. VI repeals many of those laws passed in the reign of Henry VIII, but provides that a peer, although he cannot read shall have the benefit of clergy, and without being burnt in the hand; in the act of the 18th Eliz. chap. 7, a person who is admitted to his clergy, not being a clerk, in addition to being burnt in the hand, was liable to be imprisoned for twelve months; another statute of the 5th of Anne, gave an option of imprisonment in the house of correction for two years, and for not less than six months.

At present it does not occur to the Committee whence comes the limitation of the punishment to one year's imprisonment in the case of manslaughter?—It is in the 18 Eliz. chap. 7, which contains a general provision as to clergyable felonies; by the statute of Elizabeth, the justices before whom any allowances of clergy shall be had, may for the further correction of such persons to whom such clergy shall be allowed, keep them in prison for not exceeding one year. That is a general case of persons admitted to clergyable felonies; and it is under that clause that the punishment of manslaughter is now limited. Another act of the 5th of Ann, chap. 6, empowered the ordering an imprisonment in the house of correction, for not less than six months, nor more than two years in clergyable felonies, in addition to the burning in the hand, for which a short time before the punishment of burning in the cheek was substituted, but was repealed by that same act; and persons convicted of clergyable felonies were necessarily burnt in the hand until the 19th of Geo. III, chap. 74, which was called the hard labour bill, by which the court were authorized, instead of burning in the hand, to impose a moderate fine, which fine has in almost all cases been one shilling.

That is the general history of the benefit of clergy?—Yes.

Is manslaughter and felony still within the benefit of clergy?—Yes; it is certainly a defect in our law upon this subject, that in cases of misdemeanor and petty larceny, where imprisonment is the punishment, the discretion of the judge is unlimited. Whereas, with regard to grand larceny and other cases where the party may have the benefit of clergy, and particularly in cases of manslaughter, which often differs in very slight shades from murder, the judge has no discretion beyond a year's imprisonment; and in transportable cases, there is no power of an intermediate punishment between that limited portion of imprisonment and the sentence of transportation.

I am glad to find my opinion as to the discretion of the judge is confirmed by what you state upon the subject, as I always considered it as being a radical defect?—And particularly as to the benefit of clergy (except as to the distinction of real clergy, with respect to whom it is a defect,) the distinction has ceased, it would be extremely eligible to give the court that discretion which they have in regard to petty larceny and misdemeanors.

And particularly as to the offence of manslaughter?—Yes.

With respect to persons convicted of gross offences at Manchester, can you state what is the proportion of them, who are English and who are Irish?—So far as my observation goes, there is certainly no extraordinary proportion of

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Irish. In some of the more gross burglaries committed in Lancashire, for 25 or 30 years, Irishmen have borne a great proportion; but certainly not in common.

The benefit of clergy was taken away in cases of murder in the reign of Henry VII?—In cases of aggravated murder.

The benefit of clergy was admitted except in those cases in that reign?—Yes.

In piracy it was not taken away till the 27th of Henry VIII?—Yes.

Then the laws of England at this time are much more severe than they were at earlier periods?—On those who can read certainly, but not on non-readers.

But in point of enactment, the ancient law was much more mild than the modern law?—Yes, bating that exception as to the benefit of clergy.

Henry Woodthorpe, Esq. called in; and Examined.

H. Woodthorpe, Esq. (16 March.)

YOUR official designation, is, I believe, "the town clerk of the city of London?"—Yes, it is so.

Be good enough to inform the Committee, for what number of years have you held that situation?—I have held that situation ever since the year 1801.

Will you inform us, whether you are acquainted with the state of the more ancient criminal records of trial that have taken place in the city of London? No, they are entirely out of my department; it is now under the care of Mr. Shelton, the clerk of the arraigns for the city of London.

Mr. Shelton informed the Committee, when he was last examined before it, that the criminal records, as far back as the year 1749, or something earlier, were in his custody, but that he understood the more ancient criminal records to be in Guildhall, although in a state of considerable confusion; are you aware then that there are any ancient records in Guildhall?—There certainly are a very great number of ancient records relating to the schedules of insolvent debtors, but I do not recollect having seen any criminal records, but I will make the necessary inquiries, and you may rely, that if they can be found they shall be produced.

When Mr. Alderman Wood was the mayor of the city of London, he was so very good as to direct some inquiry to be made about the number of soldiers that were tried from the time of Holt being recorder of London, in the early part of James II, and he sent me a note, giving me some information upon the subject, which I desired for historical purposes, and stating that these records were in Guildhall, but in a state of very considerable confusion?—My son is the deputy town clerk of the city of London, and he perhaps is better calculated to give the requisite information upon the subject than I am.

Will you then have the goodness to desire your son to attend this Committee to-morrow?—I will; and as from the number of years I have held this situation, I have very considerable experience in this office; the Committee may rely, that I will give him every requisite information before he attends the Committee.

Thomas Stirling, Esq. called in; and Examined.

Thomas Stirling, Esq.

WILL you have the goodness to inform the Committee what is the office which you hold?—My office is the office of deputy clerk of the peace for the county of Middlesex.

Who is the clerk of the peace?—Mr. Selby.

Do you attend in the business of Mr. Selby, who is the clerk of the peace?—Always.

Have you the custody of all the records of convictions in the county of Middlesex, which are kept under his care, or under the care of the clerk of the peace?—Yes.

Can you inform the Committee, how far back the records of conviction for capital offences, in the custody of the clerk of the peace for the county of Middlesex, extend?—If I had known that the Committee had been desirous of being informed on that subject, I would have prepared myself to have informed the

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the Committee pretty correctly; but I can tell the Committee thus far, that I had occasion to look back some time ago, and I saw a great many records of the Old Bailey, in the room appropriated to keep the records for the county of Middlesex; of late years, the records, I think, are more difficult perhaps to be found, and the reason I can assign for it in a great measure, the custos rotulorum who appoints the clerk of the peace, is, by law, the keeper of the records of the county; he has his deputy, the clerk of the peace, who has the possession of the records of that part of the Old Bailey which relates to the process in Middlesex; the city of London is, I believe, a distinct question. These records were kept up until thirty or forty years ago, at the sessions house, in the record room; but the judges appointed an officer of the Old Bailey, which always before had been appointed by the officer of the clerk of the peace. The question was tried, and an action was brought for the fees, and it was decided; I cannot understand the law of it, but they decided, that the person appointed by the judges and the lord mayor, was entitled to the office, the consequence of which was, that the appointment of the clerk of the peace did not take place, because the grand duke of Norfolk appointed me to the office of clerk of the arraigns with Mr. Selby; but as I mentioned before, the records went into the hands of a Mr. Deacon; whether Mr. Shelton got them or not, I do not know, but from that time that they were in the hands of Deacon, I do not know whether they gave it into the hands of Mr. Shelton, who succeeded, or not.

The principal question which the Committee puts, is as to the more ancient records?—They are more likely to be found at the sessions house.

Are they preserved in tolerable order at the sessions house?—Some part of them may be a little disordered, but there is no difficulty in examining, if the Committee will direct my attention to any particular point.

The object of the Committee then is this, to ascertain as far back as could be conveniently done, the number of capital convictions and executions for each offence respectively; and if we could have the number back to about within a century ago, or for the first twenty years of that period, or the last twenty years thereof, it would be desirable; we allude only to the records in your possession; you will ascertain what information can be collected with respect to the records for the first twenty or thirty years of the 18th century; that will be the point to which you will direct your attention; for the year 1749 and before that, Mr. Shelton has promised to supply us.

W. D. Evans, Esq. again called in; and Examined.

W. D. Evans, Esq.

I would beg leave to mention to the Committee, that at the summer assizes for Lancaster, in the year 1786, there were not more than eight prisoners for trial, of whom five were executed; each of whose cases I distinctly remember, as if it had happened only yesterday; one of the others was acquitted of a charge of murder, on the ground of insanity; of those that were executed, two were for burglary, with circumstances of aggravation; one was for stealing from a bleaching ground, and he was brought from Lancaster to Bolton, to be executed; another was for the possession of coining utensils; and the fifth was for horse stealing, under pretence of hiring the horse, which he was charged with stealing. At the last spring assizes for the same place, it appears that no less than 44 persons were capitally convicted, of whom only four were executed; there is a peculiarity from the period of 1781 or 1782, respecting the proportion of convictions to executions. From the time of the American war, there was no place to which convicts could be transported, the commencement of the Botany Bay plan being in the year 1787. The system of the hulks was found so entirely to have failed, that the judges avoided as much as possible, sending any prisoners there; there was a great anxiety on the part of the House of Commons, on the subject of transportation, and I have in my hands the reports of two committees for the purpose of inquiring into this subject; the date of one of which is 1779, and the date of the other is 1785; and they were making inquiries for the purpose of finding a place for the purpose of transporting convicts to; and it has perhaps escaped subsequent observation, that Sir Joseph Banks, in the earlier of these reports, is mentioned as having recommended the place which was adopted about twelve years afterwards, namely, Botany Bay, for transportation. Some attempts were made to transport to Africa, which I believe, had wholly failed; and I have in my possession, a letter, which I in-

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tended to have brought down, but which I am afraid must have been mislaid, containing an account of the massacre of a ship-load of transports, on the coast of Africa.

Perhaps you would be good enough to send a copy of that letter to the clerk of this Committee?—Yes, certainly.

The substance of it you say was the massacre of a cargo of convicts?—Yes, it contained an account of the massacre of a cargo of convicts.

Was it on shore?—Yes, on shore.

On what part of the coast of Africa did it take place?—I do not immediately recollect. The person who communicated the information is a merchant, now living in Liverpool, Mr. Peter Whitfield, banker (a magistrate of the borough); and I remember a charge of Mr. Justice Buller, about the year 1786, in which he mentioned the impolicy of frequent pardons, so that the number of instances in which justice had been superseded by mercy, had induced offenders to speculate upon the chances of life and death, like the gamester reckoning upon the chances of the die.

Do you remember a pamphlet published, called, "Thoughts on executive Justice?"—I have not seen it.

But have you heard of it?—Yes, I certainly have heard of it; and in the same charge I remember Mr. justice Buller distinctly mentioned the difficulty of finding a place for transportation.

At what time was that?—It was just about the year 1786. I know it has been generally understood, that the number of executions was particularly great about the years 1783, 1784, and 1785; and in all discussions on the subject the great number of executions about this period is adverted to.

Can you say on what part of the coast of Africa the massacre you alluded to took place?—That I cannot say, but I rather think that the letter which contains the information mentions the part of the coast; and the name of the captain is now taken down.

Can you say whether it was on the Algerine coast of Africa, or on the Atlantic coast?—It was on the Atlantic coast.

You stated, on the last day you were examined before the Committee, that you considered it was an erroneous opinion that had gone abroad, that there were in effect 220 capital punishments, because there were several repeated amongst those enumerated in the different statutes; will you look at that paper which I have given you, and see whether any of those are repeated there?—I think that I did not quite allude to that number, but to that being the general impression. I think it is a good deal within the principle of the distinction, that after forgery was made a capital offence, a number of forgeries of particular instruments were added, such for instance in the page which I open accidentally; by the 25th George the Third the counterfeiting of stamps and licences for pawnbrokers are made capital offences; and the next capital offence is counterfeiting Irish lottery tickets. The nature of my observation is, that the counterfeiting stamps was made capital from the reign of William the Third, and whenever new stamps were introduced the counterfeiting of them was made a capital offence.

Are there not 220 offences capital by statute at this moment?—I have no doubt there are, subject to the explanation that I have given, that forgery generally is a capital offence; and as the stamps of paper, and on different kinds of instruments and documents, were imposed, the forgery of them was also made capital offences; that accumulation would produce the number mentioned.

Can you speak of the increase of population of Lancashire, from the time alluded to the year 1786, to the present time?—I should think it cannot be less than double. I know this, that by the population returns of the county of Lancaster, from the beginning of the last century to 1811, it appears that the population of that county is quadrupled.

This was the year 1786?—One does not so well know, as no census was taken, but no doubt the increase has been very great.

Mr. *Evans* now proceeded with his Testimony, as follows:

The subject of observation, when the Committee rose on Friday last, related to some of the distinctions between felonies within benefit of clergy, as contrasted

trasted with petty larceny and misdemeanors, with respect to limiting the discretion of the judge, on which I take the liberty to express my opinion, that nothing can be so desirable a state of the law as the permitting the judge to have the same discretion, in cases where benefit of clergy is allowed, with respect to the direction of punishments by imprisonment; and perhaps it may not be immaterial to advert to some of the peculiarities, which may be considered as a relic of the ancient law, with respect to the distinction of benefit of clergy; the first of these is, that a man is liable to capital punishment, in case of a second conviction for the same offence; I believe that there has been no instance, in the course of living memory, in which that consequence has actually attached, although I certainly have a recollection of a counterplea on a prosecution, on behalf of the mint, for the clergyable felony of passing coin at less than its legal denomination; it is many years ago, and I rather think, that the result was not execution.

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You do not allude now to uttering counterfeit coin, being convicted of the same offence before?—No; that is a direct capital offence; another peculiarity is, that a party convicted of a clergyable felony, is not a competent witness during the continuance of his sentence, though in the case of petty larceny, by the 41st of George the Third, it is provided, that a conviction of petty larceny, which before was a permanent exclusion, and was not done away with by the expiration of the imprisonment, should no longer be a disqualification, and I conceive, that from the existing law upon that subject, some material inconvenience may arise in that particular, as for instance, in the case where a young person may be engaged to steal, at the instigation of a known receiver, and his evidence might be thought proper for the purpose of a prosecution against the receiver. Some instances have lately occurred in the county of Lancaster, in which such testimony has been received, between the conviction and the passing sentence upon the principal. He is then competent.

Suffering the judgment then, restores the competence, does it not?—Yes; and with respect to the benefit of clergy, it certainly would excite considerable surprise, if it were stated to the public, that a clergyman might, with impunity, commit as many times as he pleased, and that a nobleman might once in his life, commit with impunity, any felony, subject only to be punished by transportation or imprisonment; but such is certainly the present law. The only two instances of the conviction of any of the nobility, in the memory of the present generation, are those of the duchess of Kingston and lord Byron, in which the privilege was claimed, and was allowed. It is also a matter of notoriety, that during the last recess of Parliament, two clergymen actually received sentence of transportation, at the Old Bailey, and one of them for life; whether they were really in possession of order, or whether they only assumed the character of clergymen, I do not know. One was O'Halloran, whose orders have been doubted; and whether the others had orders or not, I do not know, but it did not occur to the parties to make the plea. In the course of the year 1817, a clergyman was convicted at Manchester, of stealing a watch, and the exemption was suggested, but as the indictment only charged the offence as a petty larceny, it was one to which the plea of clergy did not apply, and therefore he received his sentence. I observed from the examination of Mr. Shelton, on Friday last, the Committee asked some questions respecting the mode of passing sentence of death at the Old Bailey and in the country, and on the impression made both on the individuals and the by-standers; and there can be very little doubt that the mode in which that is done at the Old Bailey, although it may be difficult to introduce an alteration, is extremely unfavourable to that beneficial impression so desirable in these respects. It is always desirable that those who hear the trial, and know the facts, should hear the punishment announced; but as the court of the Old Bailey is necessarily constituted, the person who passes the sentence at the end of each session, is himself, with respect to the majority of cases, ignorant of what the crimes are for which he passes sentence; as it is impossible he can receive those communications from the judges who tried the cases, to enable him to form an idea of the magnitude of the offences, and therefore he can only make a general exhortation of the nature of the crime, and the necessity of repentance, and the general probabilities of a pardon, without adverting to particular cases; and the several persons who are convicted of minor offences, are also brought up in groups, and barely informed what is the nature of their punishment, without any observations on the nature and character of

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their offence. This I conceive, considering the extent of business which there takes place, it would be rather difficult to obviate. On the circuits different judges adopt different courses on the subject, some passing sentence on each individual after he is convicted, with observations on his case; and other judges generally passing the sentence, at the end of the assizes, upon the whole of the persons who are to receive sentence, in different sets; but, as I believe, now it is very general for the judges to avoid holding out the terror of capital punishment where it is not intended to be inflicted, and to give an express intimation that mercy will be extended; and it is not unusual to separate in the sentence those sets of persons who are intended to be executed, and those intended for a reprieve; and in the latter case some pains are taken to avoid the usual accompaniment of sentence of death intended to be executed, particularly by the judge omitting to put on the cap; and in passing the sentence to omit the formal part, "That you be carried hence to the place whence you came, and thence to the place of execution;" and also the prayer, "May the Lord have mercy on your soul;" and pass no other part of the sentence, except "That you be hanged by the neck until you are dead." This practice and alteration I think was first introduced by Mr. Justice Buller.

Within your experience?—Yes; and I remember Mr. Justice Park, on the northern circuit, in the year 1790, speaking of this as a peculiarity of Mr. Justice Buller's. At all events, in the country, immediately after the end of the assizes, the real fate which prisoners are to receive is generally known both to themselves and to the public, and the period of suspense which exists in the metropolis, the mischiefs of which have been often represented in a forcible point of view, and I believe in a very just and correct point of view, are totally avoided. But although I think it would be by no means desirable to alter the law so far as relates to the cases in the metropolis undergoing the revision of the Privy Council previous to any execution taking place, I think such an alteration (not adverting at present to any alteration as to the liability to capital punishment) might be made to a considerable extent, by permitting the judges to make an immediate report to the Secretary of State of those cases which they should decide were not proper for execution, reserving for the consideration of the Privy Council those which might require further deliberation. There are many classes of cases, in which it is universally agreed that the execution of the sentence of death ought not generally or commonly to take place, but only so under certain particular and aggravated circumstances; and I think it would be a considerable improvement in the law, if the system for which there are precedents, which I will presently refer to, were much more extensively allowed, of giving to the judge a discretion not to pass the sentence of death. I will now allude to two or three instances in which that option existed. The first act which at all introduced the punishment of transportation in cases of felony was an act giving that option.

Was not that in Charles the Second's time?—Yes, it is the statute of the 18th Charles the Second, chap. 3, which was an act "for the punishment of theft and rapine on the northern borders," which is thereby made a capital punishment, with a discretion to the judge, after passing sentence, to reprieve and transport where the sentence is capital. I mentioned, when here the other day, the statute of the 22d and 23d of Charles the Second, chap. 7, as giving such an option to the judge; but I find I was under a little mistake on that subject; for I thought that the option whether the prisoner should be hanged or not was given to the judge, but I find it is given to the prisoner.

That is to say, unless he abjure the realm?—Yes, unless he be in fact transported. But there is another act which I shall mention, and which is the statute of the 18th of George the Second, cap. 27, by which the stealing from bleaching grounds to a certain amount was made a capital offence, with liberty for the judge to pass sentence of transportation for 14 years. I have known a great number of convictions for that offence, and in general the judge took the milder alternative, of passing the sentence of transportation; but I remember three executions in the county of Lancaster for that offence. One I have already alluded to was in 1786. There was another in 1797 or 1798, upon which the party was brought from Lancaster to the neighbourhood of Manchester for execution, and the other was tried before Mr. Justice Park, sitting on behalf of Mr. Baron Thomson, in 1799. Mr. Justice Park, then holding the office of vice-chancellor, and being frequently employed to try criminal cases

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cases for the judges on the circuits. There may have been other instances, but I rather think I should recollect them if there had been. I also recollect an execution for that offence, when Sir James Mansfield was chief justice for Chester. It is well known, that the capital punishment for this offence was repealed by the 51st George the Third, cap. 41, and the party is subjected to be transported for life. I think it may not be immaterial to notice a circumstance which took place soon afterwards, and which produced an impression unfavourable to the system of reformation of the criminal law, of which the Act I am alluding to was one of the instances, which is, that at the Lancaster summer assizes of 1813, the proportion of persons charged with that particular offence was unusually great, and certainly excited considerable observation upon the system supposed to be pursuing, and as furnishing evidence of the impolicy of the system for the abridging the number of capital offences. But in the situation to which I was just then appointed, and which I have held until lately, I think the opportunity which I should have had of observing the additional frequency of that offence, if it had taken place as a general observation, was very great, having almost the entire regulation of the police in the particular district which is the chief scene of the commission of that offence, and the result of my observations is, that it certainly was not increased. The mode of applying the principle which I have suggested, may be stated by way of illustration from several of the distinctions, with regard to the modifications of larceny; and in mentioning these instances I do so, not as taking upon myself to decide on their individual correctness and propriety, but merely as explaining the nature of the alterations which might take place, provided the principle itself was approved of. There are certain modifications of larceny which I conceive everybody will agree should remain capital offences, and the sentence be pronounced; in which class I should only mention burglary and robbery, attended with personal violence. There is another class of cases for which I think it will be generally thought that the sentence of death should be entirely abrogated, and for which I should chuse to refer as a particular instance, the necessity of an alteration in the law to which, has so frequently received the sanction of the House of Commons; I allude to the crime of shoplifting. There is an intermediate class in which I think it might be proper to adopt the principle alluded to, of the judge having an option, whether he would or not pass the sentence of death; and those cases, by way of instance, we will suppose to comprise the offences of stealing in a dwelling house to the value of 40 *s.*; of breaking into a house when parties are from home and at work, which I know it is the opinion of many judges ought to be continued a capital offence; and the stealing of horses sheep and other cattle, which are offences that vary very much in their nature between one and the other class. Having adopted these three leading grounds of distinction, it will be for the Legislature to consider, whether it is necessary to adopt any further distinction upon the principle proceeded on in the late acts, respecting stealing from the person and stealing from bleaching grounds, with respect to imposing an additional term of transportation to the ordinary term of seven years.

That is, in case the judges had a discretion?—Yes, or in case of the absolute abolition of the punishment of death. I do not conceive in point of example, and for the prevention of offences, that the existence of the law for transportation for life or for 14 years, has any difference from the liability to a smaller period of transportation; and I very much doubt, whether the legal distinctions upon these subjects are at all familiar to the persons who are in the habit of committing offences; but the option may be in many cases beneficial with regard to the permanent removal from the country of those who are considered dangerous and inveterate offenders. In cases where sentence of death is abolished, or not at present resorted to, the next punishment on the scale is that of transportation; but at present, under the sentence of transportation, the punishment actually experienced may vary very considerably, not at the discretion of the judge before whom the offence was tried, but by the discretion of the executive government, and which may consist either in the punishment of the hulks, or in continuing the imprisonment in the counties where the parties are convicted, or by confinement in the General Penitentiary House; and there are many cases in which the court would be very desirous to adopt the last of those alternatives, when reluctant to pass sentence of transportation, in expectation of that sentence being actually executed, some of which occurred

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within my own experience as a magistrate, although there is no doubt that any representation made to the executive government by those who have concurred in the sentence, always receives the most prompt attention.

The penitentiary system has been under contemplation for a period of more than 40 years, since the 19th of Geo. III. which first created a legislative system upon the subject. The adequacy of the present Penitentiary House when completed, will bear but a small proportion to the number of persons to whom that kind of discipline might be beneficially applied, it being only calculated for the reception of 400 males and 400 females; and as the shortest period of imprisonment there is five years, if that term should be taken even as an average, it will only admit of 80 males and 80 females throughout the kingdom for a year, which is not more than the number of persons sentenced to transportation in the hundred of Salford (Manchester sessions) in one year. There can be no doubt that the system of the hulks has received great attention and considerable improvement, but the difficulty of classification has been materially complained of with regard to the mode of confinement; but if the mode of employment is still the beneficial object, it may deserve consideration whether buildings on shore could not be adopted with as little expense and as much advantage as the hulls of ships, which are not conveniently adapted to the purpose of imprisonment. About the year 1778, the bill was introduced into Parliament under the sanction of Sir William Blackstone and Mr. Eden, afterwards Lord Auckland, with a view to the penitentary system, by which a number of establishments of that kind were to be made in different districts of the kingdom, at certain supposed central places; but I should think that if the system is adopted otherwise than as for the respective counties, it is much more desirable that the establishment shall be in the immediate vicinity of the metropolis, where there may be a moral certainty of finding some of the first persons in the country willing to attend to the general regulation of the subject, than to induce magistrates to come from a variety of different counties to some distant place; for instance, in the act I allude to, one district was to include the whole of Wales and the county of Chester, and visiting magistrates were to be appointed in each county; now it would be quite out of the question, that magistrates should come from Pembrokeshire for the purpose of exercising a visitatorial power at Chester. There is a view of that bill published by Mr. Bentham. It would certainly not be desirable to have it as an establishment for each county, because some counties are so small as that the number of persons of this description that it would supply, would not be sufficient to fill such an establishment; and in respect of economy, the including a comprehensive district must be desirable, as the same superintendence of governor, matron, servants, and so forth, would be the same on an extensive plan nearly, as in a single county. An honourable member has, during the course of the examination, referred to the statute of the 52d of the present reign, with respect to the offences relating to the revenue; and I think nothing can be more desirable than that the law upon each individual subject should be included in one act of parliament, forming an entire whole, so as at once to be under the inspection of the judges and the legislature, and all who have an interest in the execution of the law on that subject; and I think, that the framing a provision for the purpose would not be attended with any considerable difficulty in arrangement, previous to receiving the notice to be examined. I had began to construct certain tables, which I have not been enabled to complete entirely, but I have them sufficiently so for the purpose of the present inquiry; and in the course of a day or two, I shall be enabled to bring them in a complete state. The criminal laws, as embracing the higher offences, may I think, be comprised in a few leading classes; first, offences affecting the state; secondly, offences relating to coining; thirdly, offences relating to personal violence and injury; fourthly, rape, burglary, and other offences connected with it; fifthly, offences attended with force or malice; sixthly, larceny and robbery in their various modifications, and receiving stolen goods; seventhly, forgery in all its ramifications, with the connected offences; eighthly, offences against the revenue; and ninthly, miscellaneous and incidental offences, of which the only instances that at present occur to me, are returning from transportation; offences by bankrupts, and offences against the law of quarantine; offences against the marriage act; and lastly, misdemeanours which are subject to transportation, or other misdemeanour

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meanour punishable otherwise than by the ordinary course of fine and imprisonment. I think the offence I shall first allude to, is attended with more mischievous consequences than any other, and will admit of a great degree of simplification; which is the offence of receiving stolen goods. This was first made, by the statute of William the Third, an accessorial offence, from which circumstance all the difficulties of the subject have arisen, and a great number of acts of parliament have been made to remedy that inconvenience in particular circumstances; whereas the more convenient course would be to have enacted, that it was to be a substantive offence, because certainly nothing can be more repugnant to reason, than that the punishment of a criminal should depend upon circumstances totally distinct from and foreign to his own offence; and that his liability to be merely imprisoned as for a misdemeanor, and to be transported for fourteen years should depend, not on any circumstances applicable to himself, but upon the apprehension and conviction of another person. This has been attempted to be obviated in different cases in a partial degree, as I will mention very shortly. By the statute of queen Anne, st. 2. chap. 9, the receiving stolen goods is made a misdemeanor, in cases where the principals are not amenable. By the statute of the 22d Geo. 3d, it is made a misdemeanor, whether the principal is amenable or not; and whether the offence amounts to grand larceny or to petty larceny, it being one of the maxims of the law, that there can be no mere accessaries for petty larceny. Under a local act of the city of London, called the bumboat act, 2d Geo. III. ch. 28, receiving stolen goods is made a misdemeanor transportable for 14 years. Under another act of the 29th of Geo. II, chap. 30, a punishment of 14 years transportation is inflicted for receiving lead, iron, copper, brass, bell metal or solder. It was an act passed for the general purpose, to which an addition of pewter was made by a subsequent act; and about the year 1798, it was a matter of question before the court of King's Bench, upon which I do not know whether any decision was actually come to, whether these particular cases related only to the metals in the rough, or in a manufactured state. The articles particularly enumerated in the 29th of Geo. II, cap. 30, are exempted in the act of the 22d of Geo. III, so that a person if he receives a stolen book is only liable to be fined and imprisoned; whereas, if he receives a pound weight of iron, he is liable to be transported, and as the law was, until lately, I understood the judge had no discretion whether he would transport or not; and the punishment of transportation for 14 years was considered as a specific punishment in those cases. By another act of the 10th of Geo. III, chap. 48, the receiving of stolen gold, silver, plate or watches, is made a specific felony, transportable for 14 years, provided they were taken for burglary or highway robbery; and I conceive that the proper correction of the law upon this subject would be to enact generally, that in all cases of receiving stolen goods should be a substantive felony, subject to the existing punishment of 14 years transportation, or such other punishment as the court should think proper to inflict. In the tables which I have constructed, the different reigns from that of Henry VIII, downwards, are distinguished by separate columns of colours. The offences are classed in the manner which I have mentioned, with different horizontal marks, describing the degree of the offence, and marked for the period which they comprise in respect of their commencement or termination, so that upon a view of that table, it can be at once seen what penal laws were included in or passed in any given reign, or what was the series of enactments upon any given subject. There have been various larcenies or offences connected with them, that have been at different times made capital offences; but in the 4th of Geo. I, the offence of larceny generally was first punished by transportation, previous to which it was only punishable as a general clergyable offence, by a year's imprisonment and burning in the hand. According to the statute of queen Elizabeth, subsequent to the act of the 4th of Geo. I, only two of the existing acts have passed, by which larceny has been made felony without benefit of clergy. The two offences that have been made the subject of the capital punishment, are those of stealing sheep and cattle, and stealing from a navigable river. Another statute, which did impose a capital punishment, was one which has been alluded to, for stealing from bleaching grounds; and no capital punishment has been added for the modifications of larceny since the present reign; and therefore I think it is of very considerable importance in adverting to the opinions of those who passed the laws, by which many

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of the capital punishments (the propriety of which is now questioned) were inflicted, to observe, that they were passed at a time when the only choice, according to the then current course of the law, was between capital punishment and a year's imprisonment, and before the introduction of transportation as a punishment for larceny. This is the case with regard to shop lifting, and several others. The last offence previous to the general introduction of transportation, was that of stealing in a dwelling house. By the 12th of Ann, and subsequent to that, great alterations in the law, making larceny in general subject to transportation, only in those three cases that I have alluded to, have been introduced. It is familiar to every body, that the Commentaries of Sir W. Blackstone, which contain some strong observations on the severity of the criminal code, in many respects, were published about the beginning of the present reign, and I conceive that his observations on the subject have been attended with considerable effect; for although but few acts creating capital felonies have been since repealed, it appears at least, that in those particular branches no subsequent ones have been enacted.

I would ask Mr. Evans, whether from his experience on this subject he is enabled to say, that by convicts being exposed to *hard external* labour, such as cutting stone, digging, trenching, and so forth, out of doors, they would be better enabled to return back to their duties, than if confined in a penitentiary house, where the labour must be very limited?—I should conceive so. There are some places in which labours of that kind are carried on very extensively, as may be seen in Mr. Neale's book, and at Reading and Warwick.

I would ask Mr. Evans, whether sending persons back to their own parishes, after five years imprisonment, or after one year's imprisonment, where they will be under the eye of their own magistrates, contributes in his opinion to the prevention of future crime?—At the Manchester sessions it is the constant practice to pass offenders to their own parishes, after the expiration of their imprisonment; but I think the advantage to be derived from that must in a great measure depend on the sort of place to which he is passed. Passing a person from Lancaster to Dorchester might be attended with good effects, but passing a person from Dorchester to Lancaster would be attended with effects the reverse.

But would they not be more particularly watched if they were under the eye of the magistrates in their own parish?—I am afraid the powers of the magistrates, in superintending, would not be sufficient.

Do you not think that the Penitentiary, which you have suggested ought to be in the neighbourhood of London, would be inconvenient from the immense size of it?—There might be a number of smaller ones certainly, but I should think it might be always hoped, that many gentlemen would pay an attention to such establishments, which they could not receive in the country.

But in case of a disturbance for instance, would not such a number of convicts together prove extremely dangerous?—Much more so certainly, than if there were several such establishments.

Mr. *Henry Woodthorpe*, jun. called in; and Examined.

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ARE you the deputy town clerk of the city of London?—Yes.

How long have you filled that office under your father?—I have only filled the office of deputy town clerk, for about a twelvemonth; but I have been with my father in his office, ever since the year 1801.

Have you been employed in your father's office since the year 1801?—Yes.

Are you acquainted with the state of the more ancient criminal records of criminal proceeding in the city of London?—No; it is entirely out of my department.

Mr. Alderman Wood, while he was mayor of the city of London, was so very good as to furnish me with some information, for a private purpose, relative to the ancient criminal records of criminal proceedings as far back as the reign of James II, and he informed me that they were in Guildhall, under yours, or your father's custody, but in a state of very great confusion; have you such records?—No, I should think not.

Do you know that any of those more ancient records are kept in a room at Guildhall?—There is a great number of bundles of parchments there, which I believe are records of sessions, and one of which I have brought with me, just

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to show the Committee the nature of them; but they are accessible only to the clerk of the peace, Mr. Shelton.

I thought Mr. Shelton was only clerk of the arraigns?—Yes; and clerk of the peace also for the city of London. When my father was appointed to the office of town clerk, the office of clerk of the peace vested in the town clerk, and the gentleman who originally filled that office was his deputy clerk of the peace. They separated the offices, and appointed Mr. Shelton, formerly the deputy clerk of the peace, to be clerk of the peace.

I direct my inquiries to more early records than any of those of which Mr. Shelton has the custody, and which he believed to be in Guildhall?—I doubt whether they are there. Subsequent to the year 1801, all the old parchments and records were put into boxes to be removed to the Sessions House, where the City was providing what they called "a muniment room;" why they were not removed to that muniment room, I really do not know; but I did hear that it was in consequence of a want of room.

Mr. Shelton says, that he can search back as far as the year 1749, and he says that those of an earlier period are under your custody?—[Here the chairman of the Committee read to the witness, the testimony of Thomas Shelton, Esquire.]—He must be aware that that cannot be correct; for full sixteen or seventeen years ago, they were all put into boxes regularly arranged, for the purpose of being removed to the muniment room at the Sessions House.

Have they been arranged in those boxes chronologically?—No, I do not think they have; but taking hold of the first box I came to, I took out the earliest that I could find, which is the record of the first session of 1710.

Well, as the Committee consider that you are the officer who properly has the custody of those records, they expect that you will search those boxes of records as far back as possible, and give them an account of their nature, together with copies of the calendars, and as soon as possible?—I certainly will do the best I can to inform the Committee upon the subject.

That is all that the Committee desire.

Mr. *Evans* being recalled, resumed his Evidence in the manner following:

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THE last time I had the honour of being before the Committee, which was yesterday, they directed some inquiries respecting the population of Lancashire, and I have extracted an account of the population of that county, from the population returns, as compared with the population of the kingdom at large. The accounts of the late population returns were, refer to the years 1700, 1750, 1801, and 1811. The population of England and Wales in the first of those periods is 5,475,000. At the second of those periods the population of England and Wales was 6,017,000. The population of England and Wales at the third of those periods, was 8,609,000. At the fourth of those periods the population of England and Wales was 9,855,000. In the county of Lancaster at those respective periods, the population has been as follows:—At the first period, namely the year 1700, it was 166,000. In the year 1750 it was 297,000. In the year 1801, it was 695,000; and in the year 1811, it was 856,000.

I have brought here, for the use of the Committee, Mr. Bentham's pamphlet, and also another work upon the same subject, which I presume the Committee will be good enough to let me have back when they have finished their labours. I have not not been enabled absolutely to finish the tables which I am preparing, and of which I spoke yesterday.

I think I had better go next, with the Committee's permission, to the statutes with respect to coining, on which I think it desirable that some legislative alterations should take place; and especially I think it desirable, that the law on the subject should be reduced into one act. The counterfeiting of the money of the realm was declared to be high treason, by the statute of the 25th of Edward III, statute 5, cap. 2. By two acts of the commencement of the reign of Mary, the first being 1st Mary, sess. 2, cap. 6, and the other being 1 and 2 Phil. and Mary, cap. 11. sec. 2, the importing foreign counterfeit coin, current in this country, was made high treason. One of those acts is for the counterfeiting coin current, and the other is for importing it. By a statute 14 Eliz. counterfeiting foreign coin, not current in this country, was made misprision of treason. There is no foreign coin now current in this kingdom, nor has there been for a long time; but by statute, 37 Geo. III, cap. 126, the counterfeiting foreign copper coin, or bringing it into this country with the intent to

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utter, was made a transportable felony, not adverting to the pre-existing statute of the 14 Eliz. by which it was made misprision of treason. By 5th Eliz. cap. 11, sec. 2, and by 18 Eliz. cap. 1, the clipping or diminishing the coin of the realm was made high treason. By the 8th and 9th William III, cap. 26, additional treasons were created with respect to the possession or use of certain implements for coining, and subsidiary contrivances for coining; and by the same act, the blanching copper for sale, or the receiving or paying counterfeit money at less than its denomination, was made felony within benefit of clergy, to which sentence of transportation has not been extended. By statute 15 Geo. II, cap. 28, several provisions were made respecting counterfeit money. In the first place, the gilding silver to make it look like gold, or the plating copper to make it look like silver, were made high treason. The knowingly uttering counterfeit coin, was made a misdemeanor, punishable with six months imprisonment, denouncing an additional punishment for the second offence, and making the third offence a capital felony; and uttering with certain circumstances, constituting a party a common utterer, subjected him to a year's imprisonment for the first offence, and making the second a capital felony. Upon the subject of these enactments, I would take the liberty to observe, that they furnish one of the instances of those objectionable kind of enactments which we find in the statute book, imposing a *specific* punishment and allowing the court no discretion whatever, with respect to the course of punishment to be adopted in case of conviction. As the case of uttering may be in some cases almost venial, although not generally prosecuted under those circumstances, and in others it may be apparently and notoriously a habitual trade, and there is no doubt it is carried on as a trade to a very extensive and alarming amount, as appears from the number of prosecutions on the subject; and I should beg leave to suggest, that it might be an eligible alteration on the subject, to allow the uttering of counterfeit coin to be a misdemeanor, generally subject to fine and imprisonment, in the discretion of the court, as in ordinary cases of misdemeanor, with a power of transportation for a second offence. A great many attempts have been made, on the part of the Mint, to prosecute for the possession of counterfeit coin with an intention of uttering, although without actually uttering; and at one period, I believe, some convictions were allowed upon that ground; but in a case before the judges, it was held, that it did not in itself constitute an indictable offence. Attempts were then made to prosecute for the procuring counterfeit money with intent to utter, upon the distinction that such procuring was an act, and therefore might be distinguishable from the mere possession; but in a case before the late chief baron Thomson, at Lancaster spring assizes, he held, that such an indictment could not be sustained upon the mere evidence of the fact of possession. They have since had contrivances to charge a person with bringing counterfeit money from one place to another, and have proceeded upon some such distinction as this; that if a man be found with base coin in his house, it is no offence; but if he walk across the street with it, that constitutes an offence, which is a misdemeanor; and if it be a misdemeanor at common law, the punishment is discretionary, which leads to this incongruity, that for the preparatory offence, he is to be subject to an unlimited punishment, whereas for the complete offence, he is subject to a specific one. Some provisions have been actually made with respect to the possession of foreign counterfeit coin, before the statute of the 32 Geo. III, cap. 126, imposing a penalty of from five pounds to 40*s.* each piece; and there is some other act, with which I am not this moment prepared to mention, relating to bank tokens, and containing similar provisions; and I certainly think, that the most convenient expedient on the subject would be, either to adopt that course with respect to the possession of counterfeit coin with intent to utter, or to enact generally, that it should constitute an indictable misdemeanor, as it is not desirable that the law should depend upon the extreme subtleties that are resorted to in that offence.

I will now go to the statutes relating to personal violence, and I only embrace three which I think are at all material to attend to. The Coventry Act, which is the 22d and 23d Charles II, cap. 1, and which is well known, was occasioned by a particular outrage materially connected with the history of the country, and relates to maiming, all the acts of which are included in that act, are, I think, more sufficiently comprised in the late act of the 43d Geo. III, cap. 58. Then there was the offence of maliciously shooting at a person, under the

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the Black Act, the 9th Geo. I, cap. 22; and as it is possible some gentlemen are of opinion that the Black Act may be proper to be repealed, dispersing the provisions of it in some other statute or statutes, as far as they are proper to be retained, I would merely notice, that the 43d Geo. III, cap. 58, commonly called "Lord Ellenborough's Act," in addition to shooting at a person, and other provisions, makes the pulling of a trigger, and other preparatory acts capital, although the pistol or gun does not go off; and likewise the cutting or stabbing a person with intent to murder, rob, or maim him, and, amongst other things, "to do him some other grievous bodily harm;" an expression so extremely vague, that I think it improper to be introduced into a criminal law. The same statute contains two other provisions, which, I think, are injudiciously framed, respecting certain acts for the purpose of causing the abortion of women with child. The first clause makes it a capital offence to administer any drug or preparation, causing the abortion of a woman who is *quick* with child; and the second section provides, that if any person shall wilfully and maliciously administer any medicine, drug, or substance, to any woman, or shall use or employ, or cause or procure to be used or employed, any instrument or means whatsoever, with intent to procure the miscarriage of a woman, not being or not being proved to be quick with child, he shall be guilty of a transportable felony. It is a singular circumstance, that in the first part of that act which relates to women quick with child, is confined to the case of the administering drugs and medicines, and does not include that which is contained in the second section, as to other means and contrivances to cause abortion; which seems to be a manifest omission, that that which ought to be rated as the more serious offence, should be more imperfectly provided for than the less serious offence. I apprehend that the provisions upon the two parts ought to be similar, and that it should be competent to a jury on indictment for using any of those means to procure the abortion, with respect to a woman *quick* with child, to find the minor offence, without a separate charge for the purpose. The same act also contains a clause of some importance to attend to. By sections 3 and 4, the third section repeals a very objectionable provision of statute 1st of James I, cap. 27, by which the concealment of the birth of bastard children, in certain cases, rendered it incumbent on the woman charged with the murder of such bastard, to prove that it was not born alive. The second clause contains a provision, that if it shall be found upon an indictment against the woman for the murder of her bastard child, that she concealed the birth of it, it shall be lawful to the court to imprison her for any period not exceeding two years; but that imprisonment can only be inflicted when a previous indictment for murder has been preferred; and the late Mr. George Hardinge actually recommended grand juries to find true bills against persons indicted for murdering their bastard children, upon insufficient evidence of the commission of that crime, in order that the court might have an opportunity of punishing the individuals for the minor offence, if they should be proved to have concealed the birth of the bastard child. In case a woman ought to be punished for concealing the birth of a bastard child who happens to die, that punishment ought not to depend upon collateral circumstances, in consequence of which a jury might be induced to find an indictment for murder. That is all I offer with respect to the laws on this subject at present.

The next subject to which I would advert, is that of offences attended with malice and violence, as a subject which I conceive may admit of more improvement by means of consolidation than most others; for there is an accumulation of different acts for the protection of different kinds and classes of property, so that almost all property is protected under the one class or the other; but an inconvenience may arise from having to resort to a number of different acts of parliament. Without adverting at present to any thing peculiarly relating to ships, which I think may be connected with the separate offences of piracy, and the plunder of wrecks, I will take a survey of the legal provisions upon the subjects of acts of malice and violence, some of which, I conceive, ought clearly not to continue to be part of the law, and which never have been mentioned but with reprobation. These, I conceive, might be properly divided into three principal heads: 1st, acts attended with riot; 2nd, acts attended with arson; and 3rd, acts not comprising either of those two ingredients. The provisions are first upon the general riot act, the not dispersing after proclamation, or the demolition of a church or chapel, or dissenting meeting-house, or a dwelling-house,

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barn, stable or out-house. The two provisions on that subject, are the 9th of George III, cap. 29, for destroying mills or the works thereto belonging; the other provisions on the subject, are contained in the 52d Geo. III, cap 130, which relates to the demolition of buildings, or engines used in any trade or manufacture, or in which goods are warehoused; and the last is the demolishing of any engines, waggons, wanes or other engines belonging to mines; that is the 25th Geo. III, cap. 125, with regard to arson, it was generally considered felony at common law, and by the statute of the 23d Henry VIII, the wilful burning of any house or barns, or any stacks of wood or corn, &c. was felony without benefit of clergy, and persons aiding or assisting in such burning, were, by the statute of the 4th and 5th of Philip and Mary, cap. 4, deprived of benefit of clergy; and as the aiders and assisters had been deprived of the benefit of clergy, it was held that the principals were necessarily deprived of it in similar cases. The statutes of the 22d and 23d Charles II, cap. 7, made the maliciously burning in the night time, any stack of corn, hay, barn, house or building, an offence which seems to have been contemplated as capital, in consequence of an option being given to the party to be transported, which has been before referred to in the course of the examination; then by the Black Act, the 9th George I, cap. 29, the setting fire to any house, barn, out-house, hovel, cock, mow or stack of hay, corn or wood, is made felony without benefit of clergy. The attaching that heinous quality to the mere burning of a cock of hay, has been sometimes properly objected to; but I conceive, that the burning of hay stacks is as malicious and diabolical an offence as can be perpetrated. The setting fire to coal mines is made capital by the 10th Geo. II, cap. 42; and by the 43d Geo. III, cap 58, already mentioned, it is made a capital felony to burn or set fire to any house, barn, hop-oast, malt-house, stable, coach-house, out-house, mill or shop, in the possession of the offender or any other person, with intent to defraud or injure; the main object of that provision being to reach persons who set fire to their own property, with a view to defraud insurance offices. The same buildings, the demolition of which by riot, is made a capital offence, by the 52d Geo. III, cap. 130, are also protected in the same manner against arson. There are other acts of injury which are not attended with violence: first, killing or destroying horses, sheep or cattle, in the night time, by the statute of the 22d and 23d of Charles II, as before mentioned; by the Black Act, the killing, maiming or wounding cattle, and the cutting down trees in certain cases, the breaking down the mounds of fish ponds, and also certain offences committed by persons armed or disguised, with respect to deer or game, likewise the killing of certain deer, with regard to which the provisions have been held to be repealed by implication, by the 16th Geo. III; subjecting the same offence to a smaller punishment, the destroying turnpikes was made punishable in a summary manner, by statute the first of Geo II; it was made a transportable offence by the 5th Geo. II, cap. 33; and it was made capital by the 8th Geo. II, cap. 20; but is supposed to have been repealed by the general Turnpike Act of the 7th Geo. III, and by the subsequent act of the 30th Geo. III, which repeals all former provisions with respect to turnpikes; the same acts which relate to turnpikes, also apply to locks on navigable rivers in a similar manner.

Then by the 6th George II, chapter 37, the cutting down sea banks, or the banks of rivers, or cutting hop vines, was made a capital offence; then there are certain acts of the 11 Geo. II, cap. 22, and the 36 Geo. III, cap. 4, with respect to the prevention of the exportation or inland carriage of corn, making certain disturbances liable to transportation for the second offence; and the breaking into granaries, and throwing the corn about, liable to transportation for the second offence. Many of these acts contain provisions for persons who have sustained the injury, to recover compensation against the hundred, in some of which there may be a more minute difference with regard to the regulations than can be adopted, and which may require considerable nicety of attention; and as I have already observed, I think it would be desirable that the law upon this subject should be reduced into one act, both as to the punishment and compensation, if to be continued at all. There is another set of offences connected with the last general head that I have mentioned, some of which lately came under the attention of the public, by the name of "Frame Breaking," as to which the progress of the law is as follows:—By an act of the 4th Geo. III, cap. 37, which was made for the encouraging the manufacturing of linen yarn,

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an incidental clause was introduced, whereby the breaking into certain buildings with intent to steal, cut or destroy linen yarn, or the looms tools or implements for making the same, or the cutting of linen laid to bleach, is made a capital felony; a similar provision of a more general nature is contained in the statute of the 22 Geo. III, cap. 40, with respect to materials and tools in the woollen, silk, linen and cotton manufactures, neither of which did I ever know to be carried into execution. But the same kind of law was since extended to the stocking manufactures, with regard to which there have been great variations in the state of the law; in the first place, it was made capital by the 52 Geo. III, cap. 16. That was repealed, and it was rendered transportable only by the 54 Geo. III, cap. 42; and strong representations were made, that this alteration in the law had produced a considerable increase in the commission of the offence in the counties of Leicester, Nottingham and Derby, and therefore the 57 Geo. III, cap. 126 was passed, renewing it as again made capital for a certain limited time, which act will expire in the month of August 1820. I do not think it necessary to advert to the charges of sending annonymous letters, or injuring clothes in the street. I apprehend that the offences under the Black Act are sufficiently provided for in certain other acts for the protection of wood and trees generally, and if not, the provisions of those acts, will be sufficiently adequate for the protection of particular trees.

Be good enough to inform the Committee, whether in acts upon this subject, the words "cut down and destroy," are not very essential, because it has been argued, that if a tree can be engrafted again, it is not destroyed, but that it must be utterly rooted up to come within the meaning of this act. A case occurred recently, in which a man owing a spite to his master, threatened that he would cut down five hundred of his trees. He went into his nursery, and he did so; and it was decided, that wherever the trees could be engrafted again, they were not destroyed, and therefore were not brought within the provisions of this law? —I was not aware that any decision of that kind had taken place; but I know that, generally speaking, where laws are extremely severe, judges generally have recourse to considerable subtleties, to avoid carrying them into execution. There is one of the acts with respect to trees, which contains a clause that has a very inconvenient operation, that a person is guilty of felony for cutting down trees without the consent of the owner; and it has been deemed necessary to bring an owner of trees from any distance, to prove that he did not consent to his trees being cut down; and I know an instance in which Lord Plymouth was actually brought to Chester, from some distant part of the country, to prove that he had not given permission to a ruffian to cut down some of his trees.

Mr. Evans has been good enough to give to the Committee, a variety of instances of several species of offences, in which it would be very desirable to consolidate the laws relating to each species of offence into one act of Parliament: would Mr. Evans therefore, if any other species of offences occur to him, in which that consolidation would be desirable, have the goodness to give in a short statement in writing on the subject, at any time that it is convenient to him?—I should be very happy to do any thing in my power to assist the Committee: with regard to the consolidating, I cannot take upon myself to anticipate what may be the course of the legislature; but I would have one consolidation act, relating to all offences with malice or violence. I would have another consolidation, with regard to all the several modifications of larceny, in order to bring all of them in view at once, and to reduce the whole table upon that subject into one act. I have no observations to make on forgery. The tables will show the state and progress of the law upon the subject, and I conceive it is desirable that that, as well as every other distinct branch of the law, should be reduced to a consolidated state, including the repeal of preceding enactments.

You have mentioned miscellaneous offences: how would you consolidate them?—Those I consider so few, and of such a nature, that they are hardly worth the trouble of consolidation, if it could be done; for instance, the offences of bankrupts consolidate themselves with the bankrupt laws. The disobedience of quarantine comes under the quarantine laws; and returning from transportation comes under the law of transportation. Nor do I think any necessary with respect to the laws relating to the revenue.

The Right Honourable Sir ARCHIBALD MACDONALD, Bart. late Lord Chief Baron of His Majesty's Court of Exchequer, called in; and Examined.

Right Hon. Sir A. Macdonald, Bart.

(19 March.)

AS you have been so very good as to comply with the wish of the Committee, and to attend this day to give the information you possess, relative to the subject to which they are directing their inquiries, the Committee will listen with very great pleasure and satisfaction to whatever you are pleased to communicate to them. The Committee beg to ask, not for their own information, but for the information of those who may read their minutes, when you were first appointed to the office of His Majesty's solicitor general?—I think it was in the year 1784.

Be good enough to inform the Committee, when you were appointed to the office of His Majesty's attorney general?—I think it was in the year 1788.

Will you be good enough to inform us, when you were appointed to the office of lord chief baron?—In the year 1793.

Be good enough to tell us, how long you held that situation from the year 1793?—To the year 1813.

The Committee do not wish to put it as a question to you, but merely put it to you as a statement of what the objects of the Committee chiefly are, in respect of which you will be pleased to make any communications that shall seem to you important to the object of their inquiries. One of the objects of inquiry of the Committee is, whether the degree of severity which exists, with respect to some of the penal laws, against the minor offences, has or has not the effect of preventing convictions, or deterring prosecutions?—In what instances prosecutions may have been deterred, or convictions may have been evaded, it is impossible for any one to say, but it is a very strong symptom, both of suppressing prosecutions, and of preventing convictions, to see the extreme avidity with which juries will look to those points by which they may favour a prisoner. For example, in the notorious diminution of the value of a shilling. The shilling, at the time of the reign of king Athelstan, between eight and nine centuries ago, was considerably different from what it is now. It is well known, that stealing up to the value of one shilling constitutes the crime of petty larceny, and stealing to an amount above the value of one shilling constitutes a capital felony, excepting where the benefit of clergy intervenes. It is known too, that the conviction of a capital felony has very strong and dangerous consequences, if it be followed up by judgment of death. The consequence of judgment of death is attainder, a word derived from *attinctus*, stained, and the consequence of attainder is a loss of lands, an absolute loss of goods, and the corruption of blood, which corruption of blood impedes the possibility of making a pedigree through the person who is attainted, and the corruption of blood cannot be pardoned by the king, nor can the goods be restored merely by pardon. Now the sums which discriminate the various kinds of grand larceny are small, and in the instances where they are largest, say 40*s*., the jury are constantly anxious, even though the articles stolen are worth 20*l*., to find them worth only 39*s*. In the very nature of things, the prosecutor must be reluctant to prosecute, in proportion to the severity of the punishment; but I recollect an instance in the statute book, where it is the avowed cause of repealing a former act of parliament, because the severity of that former act discouraged prosecution. If the acts were here I could turn to it. The former act was an act of Charles II, which made the exportation of wool not an unclergyable felony, but a simple felony; yet the act of the 7th and 8th William III, cap. 28, recites, that the severity of that act made it expedient to repeal it; I conclude, therefore, from the reluctance in convicting a prisoner of the higher species of offence, even at the expense which I have stated, of diminishing the value where above 40*s*. to 39*s*., makes it highly probable, that prosecutors are reluctant in bringing offenders to justice. Many instances might be given, in which it would appear, that a person must with reluctance prevail upon himself to bring the offender to justice. For instance, breaking down a tree in a garden, of any value whatever, is a felony without benefit of clergy. It is not probable that any offenders should be so indicted, in that or in many other instances, where the punishment seems greatly disproportioned to the offence. The penal statutes have been accumulating for a great length of time, and few only, comparatively speaking, have been put out of the statute book. Lord Bacon, as long ago as the

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the reign of James I, complained of this as an evil then existing. But since that time a very great multitude of new felonies have been created, and many, for want of a revision, remain on the statute book, and are in a manner obsolete; yet as no statute by the law of England becomes virtually repealed by time, they might be put in execution. Upon the whole, I cannot but think, that inadequacy in the nature of the punishment to the nature of the crime, must necessarily be an impediment to the even administration of justice.

Will you have the goodness to inform the Committee, whether you have observed at any time the same reluctance to convict in cases of more atrocious offences, where the feelings of mankind naturally agree with the criminal law? —I have seen juries paying great attention in such cases, but I never saw them otherwise affected than by being extremely careful, but not in any degree to be too much swayed by motives of humanity. I have been often surprized, and once indeed for 19 hours of an end, to see the unwearied attention of a jury, not one of whom, as far as I could observe, being inattentive for a single moment.

It has been thought, that the circumstance of sentence of death being very frequently pronounced on many offenders, which is not intended to be inflicted, has a tendency to diminish the terror of the punishment. Does your experience agree with that observation?—I have thought for many many years, that there was a great impropriety in passing the solemn sentence of death upon 18 or 20 people, not one of whom could, with any sort of propriety be left for execution; and most of whom, especially in London and other very populous places, were very confident in their own minds that they would not be left for execution; my own idea being, that the criminal law should be ingenuous, and that it should speak distinctly what a criminal is to expect; and that the execution of that sentence should be as nearly infallible as possible; which, if moderate, could well be afforded; subject always to the interposition of the crown.

Do you see any objection to authorizing the judges to pronounce sentence of transportation or imprisonment in those cases where they have no intention of ultimately inflicting the punishment of death?—The objection that would be made to that mode would be this—(but at the same time I think there is a remedy for it); it would, in fact, be giving to the court the power of granting a conditional pardon. That is a favourite prerogative of the crown, and holds up the sovereign to the subject in the most favourable light. Were an act of parliament to pass for that purpose, it might be said that the crown consents by agreeing to the act; but at the same time it might be said, that it was despoiling the crown of a favourite prerogative. I do not know whether I am at liberty to make any suggestions of my own on the subject.

The Committee will be infinitely obliged to you for any suggestions that you will be kind enough to make.—Then I think it is possible that a method might be fallen on of effecting the same purpose, if it should be enacted, that in all such cases the sentence of death should not be pronounced. In the mean time the king's pleasure might be taken, and upon the next following opportunity that sentence might be pronounced for which His Majesty might have commuted the sentence of death. There is this objection to this proposition; viz. that it would disjoin the conviction and the pronouncing of the sentence perhaps some months. It is desirable, to be sure, that the sentence should be pronounced and executed as speedily as is possible and decent after the conviction takes place; but it happens every day, from necessity, that they are so disjoined, in cases where reasonable doubt suggests itself to the judge's own mind, or is suggested by respectable counsel. In that case no judgment is pronounced; the judge reserves the case for the opinion of his brothers. He makes out a copy of his notes for each of them, which are delivered some days before the beginning of the next term, and then they meet as many times as may be necessary, and very painfully consider all such reserved cases. If they are of opinion that the conviction is right, the succeeding judge informs the prisoner that time has been taken for the purpose of considering his case; and if the judges have approved of his conviction, he then passes sentence. The reason why the sentence is not pronounced is one of which gentlemen may not be entirely aware; it is, that if sentence of death be pronounced, all those consequences follow before stated, some of which can only be pardoned by act of parliament. I am not at this moment aware of any other objection to this mode, except that of disjoining the conviction from the punishment; but I think that the advantage would greatly exceed any inconvenience that could

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arise from the intermediate delay, and all delicacy with respect to the crown would be saved.

Do you recollect any instance in which the conditional pardon was refused by the crown, when recommended by the judges?—In my own experience none. The judges send what are called "circuit letters" to the secretary of state, stating the places where the prisoners have been convicted, their offences, and in general the favourable circumstances that have appeared, that would make a case proper to be recommended to His Majesty, for his pardon; and I do not remember any case in which such pardon was refused when recommended.

Do you think that the object wished for might be procured by such an act of parliament as you describe?—I should think so, if the act enacted that the judge should forbear passing sentence, in such cases as he thought were proper for the royal mercy; I cannot say myself, that I see any prejudicial effect would arise from that course.

There is an act of parliament of the 18th of Geo. II, which gives an alternative to the judge to pass a milder sentence. But do not you think that the effect of the act to which you allude, would be to disjoin the punishment from the conviction for a period longer than ought to elapse?—The judgment would undoubtedly be postponed until the next opportunity, which would be the ensuing assizes.

Would not thereby the exceptions to the rule become the rule; because, in nine cases out of ten that reservation would be necessary?—Yes; but it would make those cases like those reserved for the opinion of the judges, and sentence of death would not be passed, which is attended with forfeiture.

But suppose the law, with respect to the crimes themselves, were to remain as it is, and no discretion were left to the judge, still a very large proportion of the criminals convicted of capital offences, for instance, at least nine out of ten would have their judgments deferred until the following assizes?—The case I am supposing is this: suppose at the assizes one person is convicted of murder, another is convicted of an outrageous burglary, and several more of offences from which clergy is excluded, but which in themselves are of no great moment; upon my supposition the judge would leave the two first for execution, and would acquaint the others, that the judgment on them was postponed until His Majesty's pleasure was known with respect to them. This would not happen until the following assizes; and those cases would be like the cases reserved for the opinion of the twelve judges.

But it would come to this, that the reservation would be more frequent?—Yes, it certainly would.

At present, the rule generally pursued being the relaxation of punishment in its execution, does not the prerogative of the crown seem rather a prerogative of severity, in selecting one or two individuals on whom sentence of death is executed, rather than a prerogative of leniency, in selecting those to whom mercy is extended?—It seems to me that both are done. There is a selection of those on whom His Majesty thinks fit to execute the sentence of death; and there is also a selection of those on whom he does not think it necessary to inflict that heavy punishment.

But do not you think that it is rather an act of severity in selecting some, than an act of mercy in pardoning others; do not you think that that is the public feeling upon the subject?—I really do not know what the public feeling is upon the subject.

Your experience, with respect to offences under the revenue laws, having been peculiarly large, can you give to the Committee any information with respect to the act passed in the year 1812, consolidating the offences under the revenue laws?—That act passed so soon before I quitted Westminster Hall, that I do not know how far it operates.

What is the result of your experience with respect to the severity of the penal laws in that particular department?—When I held the office of attorney general and solicitor general, of course I had a good deal to do with the drawing of those acts; and I was always an exceedingly strong advocate for the milder course; because such cases were generally of such a nature that a man might be ruined by a conviction, and the conviction in the lower penalty in all reasonably clear cases was almost infallible. That was the principle which I myself followed.

It may be worth the consideration of the Committee, to remark on the state of the law with respect to forfeiture; that there is one case which, though it may not come

come within the range of your inquiries, may deserve your attention; I allude to the case of *felo de se*. It may not be totally foreign to your object, to see how the law of forfeiture stands with respect to that case. When a man kills himself, that unhappy act is attended with the forfeiture of all his goods. That is, when a family has thus lost its support, it is also to lose all possible means of subsistence. One cannot help observing, that there is something disgusting and brutal in that. When a man commits an act of that sort, his reason has been overturned, and *he* does not look to the family, and his mind is in a state of disturbance which very nearly approaches to insanity. I take the origin of this punishment to have been in catholic times, that when a man avoided extreme unction, he was not permitted to be buried in consecrated ground, which to the feelings of persons of that persuasion, is very important; and why should the survivors have the mortification of knowing, that the corpse of their father or husband is disgraced? it is punishing them when the unfortunate man himself is beyond the reach of temporal punishment. With respect to cases of capital felony, there is a forfeiture of land to a certain extent, the freehold going to the king, during the life of the felon. The goods are irretrievable, and afterwards the king has what is called his "*year and day and waste*; which last, formerly, was literally put into execution, but that has not been the case now for a great length of time. That too is attended with a visitation of poverty on the family, and proceeds upon a principle which I am afraid has little operation upon the depraved minds of felons, which is the well-being and comfort of their families. It is supposed, that that would have a hold upon mankind, which does not seem to be the case, as capital felonies, we all know, are, if anything, increasing. It is too refined a principle to be acted upon by such persons.

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Is the law in the respect of forfeiture, now carried into execution?—Yes, the king may do it, but the felons generally have nothing, and therefore it is not worth pursuing; but the king may do it; upon the whole, I have always considered, that the certainty and not the severity of punishment, will best repress crime. I have understood, that the criminals have themselves been asked the question, "although you know that it is 60 or 70 to one that the sentence of death will not be executed upon you, yet that it may be, has it not some effect upon your mind?" The answer has been, "why, yes, *some* effect;" but I do not know, whether any of them were ever asked, "supposing, that as sure as you were convicted, you would be imprisoned for two or three years, and kept to hard labour and spare diet, what effect that would have?" I suspect that the answer would be, that the latter would have a much stronger effect than the former. Among the list of unclergyable felonies, there are a great number that were thought necessary at the particular time when enacted, but which are now no longer so; for instance, the persons who damage Westminster, Fulham or London bridges, if convicted, must receive judgment of death. The Black Act is full of unclergyable felonies, many of which were made on an immediate occasion, but still continue in force. There is another instance, which, perhaps, may be a good specimen of many of the others; there are about twenty felonies in that act, and one of them is, I believe, correctly in these words: "appearing on a high road, or on a common, &c. with the face blacked, or being otherwise disguised." It so happened, that on the first establishment of turnpikes, there was great opposition to them; in Herefordshire a great number of persons had got together, masked and disguised, and were opposed by the magistrates on the road, and were apprehended; it came out in evidence, that their object was to have pulled down the turnpike gate; lord Hardwicke tried the men, during the short time that he was chief justice, and he told the jury, "that every crime specified in that act, was a distinct and separate crime; they had no connection one with the other, but although it might be right enough to let in the evidence of the intent, yet that which the jury had to look to was entirely independent of that circumstance. The words were, "appearing with a black face or otherwise disguised upon the road:" Did the prisoners or not so appear?" The men were convicted on that point only, and ordered for execution, but whether executed or not, the report of the case does not state. The momentary depredations on Waltham and other forests, were, no doubt, the cause of that act; they have long since ceased, but the act is still in force. So with respect to the bridges: I apprehend the acts with respect to the bridges were enacted in consequence of the watermen

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being injured in their business, and therefore doing damage to the bridges; but those bridges are now, I believe, as sacred as the church of St. Paul.

Do you think, that much more terror is caused by an execution of one in twenty than by an execution of one in sixty?—Do you mean more effect on the public?—Yes. Upon my word I do not know what to say. Frequency of execution I have no doubt has a bad effect.

Have you observed in juries a reluctance to convict in cases of murder?—I cannot say that I have seen any reluctance, but I have seen the greatest and utmost care.

Have you seen considerable reluctance to convict in cases of forgery?—Certainly; but I should observe that it is rarely that the forgery itself can be proved upon the prisoners; it is generally the uttering knowing to be forged, that they are convicted of.

Is there not still greater reluctance to convict in cases of shoplifting?—Yes; there is very great reluctance in convicting of that offence; that is, circumstances are laid hold of to avoid a capital conviction. The punishment is very severe; and I could mention something upon that subject which is almost ludicrous. Every body must have observed, in Holborn, that the linen-drapers hang their linen and things in the door-way, and outside of the door-way, and they are flying in the face of every miserable woman who is going past, and they are often snatched. I heard once a very long inquiry whether a piece of linen was outside the door-way or inside the door-way, when stolen; if it hung on the inside of the door it is a capital felony, and if outside it was a mere simple grand larceny. Larceny is divided into simple and compound larceny. The compound is where the dwelling-house or person is concerned.

Are you of opinion, that as the atrocity of the crime decreases the reluctance in juries to convict, where capital punishment is the consequence, increases; beginning at murder and going down to shoplifting?—I would request that the Committee would have the goodness to put a case.

You have said, that in cases of murder there is great caution, but no reluctance in juries to convict, if the evidence be clear; but in the case of forgery there is a reluctance, and in cases of shoplifting there is a still greater degree of reluctance; the Committee therefore wish to know from that, as a general answer, which would be very important as coming from you, whether, in capital crimes, as the atrocity decreases, the reluctance to convict increases?—You mean this; in a case of murder, which is the most atrocious crime, juries observe no reluctance at all, but a great desire to have full and clear evidence; and in the case of shoplifting the difficulty would be greater to convict, as every endeavour is made by the jury in those sort of cases to lay hold of anything that is favourable, to do away with the capital part of the indictment, as it is called.

You are well aware, that it has often been observed, that more offenders escape justice from flaws and informalities, in this country than in any other. Now, although that is to be considered as the result of a precision necessary in the administration of the laws of a free country, do not you think, that in some measure it may be imputed to the disposition of judges as well as juries to favour the prisoner, in consequence of the disproportionate severity of the punishments?—It is very certain, with respect to myself at least, that I would always desire to give the prisoner the benefit of every thing that I could discover in his favour. I knew it perhaps when he did not, and I always felt it my duty to be counsel for him; as the common expression is, and I cannot but say, that where the punishment is very disproportionate to the offence, I would always lean to the merciful side, if I could with satisfaction to my own mind.

You said, I believe, just now, that you never saw any reluctance on the part of juries to convict in cases of murder, upon clear evidence, but that you had observed that reluctance with respect to shoplifting; have you observed any considerable reluctance of that sort in cases of crimes of a murderous nature, such as highway robberies with violence, or house-breaking accompanied with violence?—No; in proportion as the danger is great, juries are more watchful, but in a clear case I never saw any reluctance to convict.

With respect to those crimes, do you include arson?—Yes; my notions of crime, is that of course, high treason is the first; because when once begun,

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no one knows where it will end, and he who begins it, loses all control over it. I should say, that arson is the next crime in enormity to treason, for he who sets a house on fire, delivers it over to chance and accident; and I should say, that murder is the next great crime, as every man is in the power of another, and therefore it must be punished with death; but the loss which the community suffers in such a case, is very circumscribed, not so in the two cases I mentioned before; but in all those atrocious cases, I never saw anything that in the least indicated reluctance in juries to convict where the evidence is clear, although I have observed the greatest consideration and attention.

The same observations will apply, I suppose, to rape and unnatural offences?—Rape is an offence of a most serious nature. The physical strength of the female sex, is not sufficient to cope with the force of the other sex; but it is a case which requires much wariness to deal with; it is very easily charged and very difficult to be disproved, and there is every temptation for a woman that is in that unfortunate situation, to say that it was by violence, and I could give instances of cases of that sort, that would quite astonish the Committee, though they are not now to the purpose.

In the course of your experience, has it ever appeared to you, that any distinction of punishment could be beneficially made between arson committed in the day-time, and arson committed in the night-time?—The danger is certainly less; but the danger to the neighbourhood is still very great, and I should rather think, it is one of those cases in which the necessities of human safety call for a capital punishment, in either case.

It never has appeared to you then, that a difference in the punishment ought to be made?—No; in my own opinion, the danger is so very great, and the offence is of so uncontrollable a nature, that it is expedient the punishment should be capital, even when the offence is committed in the day-time.

Have you observed the same reluctance in witnesses, to appear and give evidence when the punishment is capital, and the crime is not of great atrocity?—I have known witnesses, when they have appeared, conduct themselves in a way that evidently showed they came there against their inclination, but could not help it.

Do you think that the small number of executions, in proportion to the number of capital convictions, arises from an increased disinclination to inflict the punishment, or how do you otherwise account for the great disproportion? It seems, that throughout England, in the year 1805, there was about the proportion of one in five, of those who were capitally convicted, executed, whereas lately it has been about one in eleven or twelve?—Really I do not know how to account for it; the judges have something like a rule, from long practice, that they generally go by, in recommending the commuting of capital offences for a certain degree of imprisonment or transportation.

But the application of that rule has of late years very much inclined to mercy; how do you account for it?—I cannot account for it in any other way than that the atrocious crimes have decreased, and dishonest persons have betaken themselves more to living upon other persons property.

Do you think that it would be expedient, that capital punishments should not be materially extended beyond crimes affecting personal safety?—I think myself, that against treason, murder, arson, rape, and crimes against the dwelling house and person, and some others, the punishment of death should be directed; but I always thought, that the antidote to many crimes is hard labour, confinement and regular diet; when I say regular diet, I mean that they should have no indulgences of gin, or such kind of things.

The people of England being as moral and religious a people as any in the world, do you think that this phenomenon of the number of crimes results from the severity of the laws?—I certainly think, that the chances of escape are much greater in cases of severe punishment than in those to which a more moderate punishment is attached; and, as I said before, were punishments and crimes better adjusted than they are, crimes would be fewer; and there is another very great thing that arises from the chances of escape in cases of severity; namely, that every one who is executed, thinks himself hardly dealt with; I was going to add, that when a criminal code is of such a nature that you shrink from the execution of the letter, it pretty plainly shows, that that

letter

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letter should be modified in some shape or other. A statute which, if executed, would shock the feelings of mankind, must have some defect in it. There are certainly instances in the letter of the law, which, if put in execution, would shock mankind; as, for instance, if a man were to suffer the execution of the law for doing some damage to one of the banisters of Westminster bridge, or for breaking to pieces a small cherry tree, not worth half-a-crown, it would be an extravagant degree of severity, which would shock the feelings of all mankind. It is quite enough to say, that out of about 230 felonies that exist by the present laws, it is seldom that more than from a dozen to twenty of them, when committed, are capitally punished.

W. D. Evans, Esq. being again called in, proceeded in his Evidence in the manner following:

W. D. Evans, Esq. again examined.

I THINK, in referring to the subject of some of the ancient unclergyable felonies, it may not be immaterial to advert to the unfrequent sitting of parliament in former times, there being only seven parliaments from the reign of James I to the restoration of Charles II, and even after the restoration, very great vacancies occurred. It is always absolutely impossible to know the beneficial effect of any criminal law in preventing offences being committed, and, therefore, only very rough guesses can be formed respecting the number of persons who would have committed given offences, provided the state of the law had not been such as it is, although, sometimes, when an alteration takes place in the law, the circumstances may be exhibited in a certain degree by a contrast; as with regard to the late state of the law with respect to frame-breaking, which was found to increase when the capital punishment was taken off, and to diminish when that punishment was in force.

The other points which I intended to go upon, were the state of offences, and the state of the police at Manchester. For the purpose of allowing the Committee to form some idea upon the relative increase of offences in Manchester, with respect to which I have got here some papers of details.

In the accounts published by Mr. Howard of his several visits to the prisons, the numbers of prisoners at Manchester were as follows:

Year.	Prisoners.
In 1774 - - - - - -	21
In 1775 - - - - - -	6
In 1776 - - - - - -	12
In 1779 - - - - - -	14
In 1782 - - - - - -	14;

and it is mentioned in a note in the last edition to that work, that at one of the sessions in 1784, the numbers were 51, the nature of the offences not being distinguished.

In the year 1817, the average number in the prison for the same district, which only comprises one hundred in the county of Lancaster, was upwards of 560 prisoners in the house of correction for the hundred.

I have also an abstract of the different offences for which persons were committed, from October 1816 to October 1817, beginning before the time expired for which these lists were made; the total number of which is 2,190 males, and 357 females. For felony there were 627 males and 177 females; for assaults, threats, &c., males 269, females 29; riotous and disorderly conduct, males 60, females 30; leaving families chargeable, males 51, females 2; committed under 32d Geo. III, males 77, and females 3. The next is a classification of bastardy. Males on warrants before birth, 25; after birth and before filiation, 5; to answer indictments for disobedience of orders, 40; committed for three months, and remain during the term, 340; committed for three months, and discharged on payment or by desire of overseers, 77; lewd women committed on the 7th of James I, for having bastards, 23; neglect of work, 25 males; apprentices for misconduct, males 22; offences relating to game and fish, males 10; soldiers enlisting in the army, being in the militia, 30; deserters, 31; and there is no other class which appears to me necessary to mention.

Mr.

Mr. *Evans* here handed in No. VI.

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I have also accounts of the annual expense of maintaining the prison from the year 1810, and an annual account of the earnings of the prisoners.

I have finished these tables (here Mr. Evans handed them in,) all but one act, which relates to persons going to kill game and being found armed.

Here is also the letter which I mentioned the other day, as containing an account of the massacre of the cargo of convicts on the coast of Africa. It is written by Mr. Willkens, a merchant in Liverpool.

" To the Right Honourable William Pitt, Chancellor of the Exchequer, &c. &c. &c. &c.

" Sir,

" THOUGH this address comes from a stranger, yet as it is intended to serve the cause of humanity and philanthropy, I trust you will not reject the same.

" The case of the poor unhappy convicts for petty crimes, is one of those which seems to call aloud at this time on every man possessing a feeling heart.

" What causes me chiefly to be so bold as to trouble you, Sir, on this subject, is an information I recently received from a captain in the African trade, belonging to this port, who assured me, that out of about 200 convicts which were transported thither some time last year, he believed there could not be counted ten living, after having been landed twenty days in that dread country, the rest having died through hunger and fatigue within that period.

" He asserted, that no provision nad been made by government after being landed upon the coast of Africa, where, by their best and most industrious conduct, they could not procure subsistence sufficient to prolong life, as there was no employment whatever for them, and the natives are unwilling to cherish those outcasts of human society. In short, according to the accounts given, those capitally convicted, and who were punished at home, seem to have an enviable lot, in comparison with those who are thus consigned to lingering misery and destruction for lesser crimes."

[" What led me to make inquiries on a subject so interesting, yet foreign, and unlikely to come within the circle of my knowledge, was the case of a convict in Newgate, condemned at the Old Bailey in June, by the name of James Smith, sentenced for transportation to Africa, whose case I detailed, and who obtained a pardon on condition of transporting himself for the term of seven years to the United States. A friend in London and myself did obtain about 20*l.*, besides expenses and outfit amounting to as much more, and also executing a bond for 100*l.* for his not returning (which within an ace we should have had to pay.) I concluded my letter as follows :"]

" I have been so free as to address you, Sir, as a man endowed with many virtues and great abilities, for the benefit of his country and fellow-citizens. I trust you will be pleased to excuse the liberty I have presumed to take, and also take the above into your consideration, and free the unhappy youth alluded to from transportation to Africa, an idea big with horror to a feeling mind; and that likewise, by your great influence, humanity may be freed from that dreadful mode of punishment altogether.

" That heaven may crown your virtues with its choicest rewards and blessings, is the concluding wish of him who venerates them, and is, with profound respect, Sir, your obedient humble servant,

" Liverpool, Dec. 8, 1785. " HENRY WILLKENS."

[" To this letter I received no reply; I sent it with no such expectation; if good came from it, it was all I wished or hoped. In about three months after, a plan for colonizing New South Wales, and Botany Bay in particular, with intent to send convicts there, was mentioned in the papers. I flattered myself my letter might have done some good, at least have led to some inquiry on the subject. But it was not until the year 1787 that convicts were transported to Botany Bay, on the system since matured. I think transporting convicts to America was discontinued soon after the rebellion, and gradually

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on its success given up, with the exception, that some went to Canada and Nova Scotia, but that the attempt at African transportation was made soon after the Americans were declared independents. That at first the convicts sent to Africa were formed into corps, as garrisons for our forts, and strict military law enforced. But this is chiefly from faint recollection of those times. Mr. Peter Whitfield Branker brought the information on which I addressed Mr. Pitt; he was then in Mr. Moses Burrow's employ.]

" December 30, 1817. " H. W."

In estimating the proportion between offenders of any given kind, and the population of any given district, it is extremely important to attend to the circumstance of the people being concentrated or dispersed, for it must be very obvious, that common larcenies must be much more frequent, and can escape detection much more easily, in a populous district; whereas there are other offences which are peculiar to places where there is a thinness of population, such for instance as sheep-stealing: and in forming an estimate, whether the increase of crime is at all to be ascribed to any alteration in the penal law, it becomes important to ascertain, whether the increase is materially evident in respect of those offences upon which there has been a recent alteration of the law, in a greater degree than of those that have been constantly penal, in the same degree as in cases of ordinary larceny. Any thing further that occurs to me upon the subject I will transmit in writing to the Committee.

John Henry Capper, Esq. again called in; and Examined.

J. H. Capper, Esq. again called. (23 March.)

THE Committee wish to know, how far back the circuit returns, and the recorder's reports in the home office, reach?—I know they are very imperfect, because it is a point which I looked at some years ago. I think from the year 1794 would be the earliest time that we could trace them, to any degree of satisfaction.

Could you make a return from 1794 to 1805, as far as relates to the conviction and execution in each capital offence?—Every endeavour shall be used, but I doubt of the accuracy very much.

The Committee request you to make a distinction in the return of which they now ask, between the forgery of bank notes and other forgeries; and as far as you can, also to supply them with the same distinction from the year 1805 to the year 1818?—Every endeavour shall be used to supply such return to the Committee.

Right Hon. Sir *Archibald Macdonald*, Bart. was again called in, and delivered the following Statement:

Right Hon. Sir A. Macdonald, Bart. again called.

I BEG to state one or two matters rather more at large than I did the other day. The Committee were pleased to ask, whether I observed considerable reluctance in convictions for forgery. The forgery itself being rarely proved upon the prisoners, in the case of negotiable paper, the charge that is usually proceeded in, and sometimes followed with the conviction, is the uttering of the instrument in question, knowing it to be forged. When I spoke of reluctance, I meant it in the same sense as I have spoken of it before, not a hesitation to convict in a satisfactory case, but great anxiety and care, the case being so highly penal, and capital punishment very rarely remitted. I forgot, to proceed upon the subject of the uttering with a knowledge of forgery; that of course supposes the actual forgery to be proved, though not by whom. The case then resolves itself into a case of circumstantial evidence, circumstantial evidence being the production of a chain of circumstances well connected, the co-existence of which cannot be accounted for on any other supposition, than that of the guilt of the prisoner. When I spoke of reluctance in juries, I meant to say, that in this case they require, and the court encourages them in requiring, a very strong and clear connection of facts, from whence the fatal inference is to be drawn; but that being once done, and to their satisfaction, there then is no reluctance in pronouncing the verdict, excepting that which must always take place when one man delivers another over probably to death. With respect to shoplifting, a question was put, whether there were not considerable reluctance in pronouncing a verdict of guilty in that case. Shoplifting is made a felony, without clergy, by the 10th and 11th of William III, cap.

cap. 23, as is also stealing to the amount of five shillings in stables, warehouses, and coach-houses; in that, as in many other cases, a desire is shown, if it be possible, to acquit the prisoner of the capital part of such charge. So it is in most cases, or in all cases, I might say, where the sum of money is specified in the statute, and that sum a very small one; but in either of those cases wanton acquittals, in the teeth of good and substantial evidence, seldom occur. The reluctance, in my sense of the word, is somewhat confirmed by the common practice of juries convicting a prisoner, but at the same time recommending him to mercy, as showing a disproportion, in their opinions, between a sentence necessarily pronounced, and the crime stated in the indictment and proved.

Right Hon. Sir A. Macdonald, Bart.

(23 March.)

Thomas William Carr, Esq. called in; and Examined.

YOU are solicitor of excise?—Yes.

How long have you held that office?—Nearly fourteen years.

You were at the bar, were you not?—I practised at the bar four years, and was previously for eight years a special pleader under the bar.

T. W. Carr, Esq.

Are you very well acquainted with the statute of 52 Geo. III, cap. 143?—I cannot say I am very well acquainted with that statute. It was passed, I believe, upon the recommendation of a committee of the Lords in 1812. I was examined before that committee. It was a consolidation act, remitting the punishment of death for all revenue offences, except those therein specifically mentioned. The substance of the evidence, which I had the honour to give before that committee, has I find been printed in the 3d volume of a collection of opinions upon the subject of criminal law, by Mr. Montague, page 253. My evidence went to deprecate the making offences against the revenue punishable as crimes, unless where committed with violence; and I understood it was ultimately determined, to confine the law to those species of revenue offences where the fraud was a forgery, or accompanied with violence.

I stated to the Lords committee, that the efficacy of criminal law, if it were thought fit to apply criminal law to the security of the revenue, depended not more upon the means of detection, than the sufficiency of motive for prosecution, and the facility of conviction. The officers in their survey have generally the means of detection; but it has been found necessary, in order to excite their activity and stimulate their zeal, indeed to preserve their integrity, to give them a certain share in the penalties in which they may convict offenders. The moment the offence is made a crime this motive is entirely taken away. The officer has perhaps to undergo, and generally does undergo, a considerable degree of obloquy in convicting a man who has committed an offence against the excise laws in a penalty; this becomes considerably increased if he subjects the trader, under his survey, to a personal punishment. But it will be easily conceived by the Committee, that the officers, in addition to having to withstand the shame and discredit that are thrown upon them by the detection and conviction of a trader, have also to support themselves against the influence of the bribes which are offered to them to collude in the evasion of the duties. Now both operate, in conjunction, against his integrity, where the offence is made a crime. The obloquy becomes more terrible, and the influence of the offered bribe becomes greater also; all motive of benefiting himself or his family by conviction is taken away, and he stands a personal sufferer, without reward. When, therefore, the revenue is attempted to be secured by making the breaches of its laws crimes, it is the fraudulent trader who is secured and not the revenue. I believe that it will rarely be found that an officer, under such circumstances (and he alone is likely to come forward as a prosecutor,) would make the offence known; would willingly subject himself to the obloquy which would arise from bringing such an offender to death or transportation; but where the trader is liable to only a pecuniary penalty, no such difficulty or reluctance is experienced.

The excise manufactures, to which stamps denoting the charge of duty apply, are printed goods, such as paper and calicoes, hides, and paper in general, and starch. There are two other subjects of forgery, debentures and permits, for which we prepare the paper. The word *Excise Office* is a watermark, and it is made penal to forge it.

One sort of offence against the revenue, which it was the tendency of your evidence to subject to capital punishment, the Committee understand you mean

T. W. Carr, Esq.
(23 March.)

to state, was violent resistance?—According to my impression, it was rarely violent resistance; and it appeared to me, that the objections which I had the honour to submit just now, applied to excise forgeries just as much as to any other frauds; for much as may be written or said on this subject, the people will never be brought to feel or admit, that to defraud the revenue is a moral crime; and therefore they will continue to follow, with the severest obloquy, the officer who is the prosecutor and instrument of bringing any individual to the punishment of death for such an offence.

There is another reason against it, which has also considerable weight; I mean the difficulty of conviction which attends trials for criminal offences; as for instance, for forging an impression of an excise stamp, compared with a trial of the same offence when subject to a penalty. It is a maxim established by innumerable determinations in the court of Exchequer, that any trader who enters his premises for the purpose of carrying on a trade under the excise, is *civiliter* responsible for a breach of the revenue laws, committed by his servants, on his entered premises in such trade, but *criminaliter* the offence must be brought home to himself; and therefore fifty instances might occur, in which the commissioners of excise, who make all orders for prosecutions, might be perfectly satisfied that such offences were committed on certain entered premises, for which they could with no hope of success, make an order to proceed as for a crime, though they might for a penalty.

I offer these observations to the Committee as my own private sentiments. I am the general legal adviser of the board of excise, but the conduct of criminal proceedings is under the management of Mr. Mayow exclusively.

The Committee understand you to give this as the result of your experience, arising out of many years experience and observation upon offences committed against the revenue laws?—Yes; I believe I may add one material fact. The offence of putting a forged stamp on paper was first made criminal about the year 1806 or 1807; before that time it was a penalty of £.500, and it had been by no means unusual before that time to convict persons guilty of the offence in that penalty. I am not sure whether any convictions have taken place or not, but certainly very few, since it has been made a crime.

Can you give the Committee any idea, how many convictions have taken place in the penal sum, during the twelve years before it was made penal, and the twelve years subsequent?—In the twelve years previous to the alteration of the law, there were 19 convictions (inclusive of compromises by payment of part of the penalty) out of 21 prosecutions. In one of the cases there was a stay of proceedings from the death of the defendant, and in one a verdict was for the defendant. In the 12 years since there appears to have been, out of nine prosecutions, three convictions; in three of the cases the defendants absconded, and in the remaining three the defendants acquitted. This is more fully shown in the annexed Lists.

EXCISE.—Exchequer Prosecutions for the £.500 penalty incurred by using a counterfeit stamp on paper, or selling paper having upon it a counterfeited impression of the Excise stamp, between Hilary term 1794 and Hilary term 1806.

Using a counterfeit stamp on paper	- Easter Sittings, 1796, verdict for the crown.
Counterfeiting the paper stamp -	- Hilary Sittings, 1797, verdict for the defendant.
Ditto - - - - - -	- 24th January, 1798, proceedings stayed in consequence of defendants.
Selling paper with a counterfeit stamp	- Hilary Sittings, 1798, verdict for the crown.
Counterfeiting the paper stamp -	- Easter Sittings, 1799 - - ditto.
Ditto - - - - -	- Easter Sittings, 1800 - - ditto.
Ditto - - - - -	- Trinity Sittings, 1800 - - ditto.
Counterfeiting the paper stamp -	- 13th November, 1800, compromised, £.510 and costs.
Ditto - - - - -	- 18th February, 1801, verdict for the crown.
Ditto - - - - -	- 9th June, 1801, compromised, £.100 and costs.
Ditto - - - - -	- Michaelmas Sittings, 1801, verdict for the crown.
Ditto - - - - -	- Hilary Sittings, 1803 - - ditto.
Ditto - - - - -	- Easter Sittings, 1803 - - ditto.
Ditto - - - - -	- Hilary Sittings, 1804 - - ditto.
Ditto - - - - -	- ditto - - - - ditto.
Ditto - - - - -	- ditto - - - - ditto.
Ditto - - - - -	- ditto - - - - ditto.
Ditto - - - - -	- Easter Sittings, 1805 - - ditto.

Selling

Selling paper with counterfeit impressions ditto - - - - ditto.
Having a counterfeit paper stamp - - ditto - - - - ditto.
Selling paper with counterfeit impressions, Compromised, £. 200 and costs.

25th March, 1819. (Signed) *T. W. Carr*, Solicitor of Excise.

T. W. Carr, Esq. (23 March.)

Before the passing of the 52 Geo. III, c. 143, the following offences relating to the Excise, were felonies, without benefit of clergy.

To forge or counterfeit the duty stamp for printed or painted calicoes, linens, silks, &c. - - - -	10 Ann, c. 19. s. 97. 30 Geo. 3, c. 56. s. 5. 14 Geo. 3, c. 72. s. 8. 25 Geo. 3, c. 72. s. 17 and 24.
To sell printed or painted, &c. British cottons with counterfeit stamps, knowingly - - - -	14 Geo. 3. c. 72. s. 10.
To forge or counterfeit the duty stamp for French printed painted or stained calicoes, linens or stuffs -	27 Geo. 3. c. 31. s. 13.
To sell French printed painted or stained calicoes, linens or stuffs with counterfeit stamp, knowingly -	27 Geo. 3, c. 31. s. 14.
To forge the stamp for marking cambric, or the impression therefore, or to import foreign cambric with forged stamp, or knowingly to sell with a forged stamp - - - - - - - - - -	4 Geo. 3, c. 37. s. 26. 7 Geo. 3, c. 43. s. 18.
To forge or counterfeit the duty stamp for marking leather or parchment, or to sell leather with forged or counterfeit stamp, knowingly - - - -	9 Ann, c. 11. s. 44. 5 Geo. 1, c. 2. s. 9. 38 Geo. 3, c. 54. s. 10.
To counterfeit or forge the duty stamp for printed painted or stained paper - - - - - -	26 Geo. 3, c. 78. s. 13.
To forge or counterfeit the duty stamp for starch made and papered in Great Britain - - - - -	26 Geo. 3, c. 51. s. 14.
To make or have in custody (without legal leave) any mould for making paper for permits, with the words "Excise Office" visible in the substance, or artfully to cause such words to appear in the substance of any paper, or to engrave plates to print permits in imitation of those used by the commissioners, not being duly authorized - - - - - - -	23 Geo. 3, c. 70. s. 9.
To be passing masked or disguised with prohibited uncustomed or re-landed goods - - - -	19 Geo. 2, c. 34. s. 1.
To assemble armed, to the number of three or more, to assist in landing or carrying away prohibited uncustomed or re-landed goods, or to rescue such goods after seizure, or to rescue persons appprehended for felonious offences against the revenue laws, or to prevent the taking of such persons - - - -	19 Geo. 2, c. 34. s. 1.
To maim or wound officers going on board ships within the limits of any port, or to shoot at or dangerously wound officers when on board such ships in the execution of their duty - - - - - -	19 Geo. 2, c. 34. s. 1.
To shoot at or upon any ship boat or vessel belonging to His Majesty, or the Customs or Excise, within four leagues of the coast, or to shoot at or wound any officer of the navy, customs or excise, either going on shipboard, while on board, or returning, or in the execution of any other part of his duty - - -	24 Geo. 3, c. 47. s. 11.
The like within 100 leagues - - - - - -	45 Geo. 3, c. 121. s. 11.
To forge debentures - - - - - - - - -	38 Geo. 3, c. 54. s. 9.
To forge receiver general's or comptroller's name to any draft, &c. to obtain money of the bank of England - - - - - - - - - -	46 Geo. 3, c. 75. s. 8.

By the 52d George III, cap. 143, all the above offences (except those relating to permit paper, 23 Geo. III, cap. 70; the forgery of debentures, 38th Geo. III, cap. 54; and smuggling, 19th Geo. II, cap. 34; 24th Geo. III, cap. 47, and 45th Geo. III, cap. 121,) are declared to be felony only, with benefit of clergy; the effects of which is, that the offenders are only subject, for a first offence, to a year's imprisonment, contrary, it is believed, to the intention of the legislature, it being intended, it is apprehended, that such offences should be reduced from capital to transportable offences; and the alteration is productive of this inconsistency, that offences of the same nature subject the offenders to very different punishments, viz. to forge the paper

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stamp is a transportable offence, to forge the hide stamp subjects the offender to only a year's imprisonment.

25th March 1819.

Ph. Wynel Mayew,
Solicitor of Excise of Criminal Prosecutions, &c.

The Committee would be glad to know what offences, which were capital before the passing of this act, are omitted?—I cannot tell that without some examination. There were, I believe, many offences which were before that time capital, which have not been so since.

Can you let the Committee know, how many capital offences were repealed by that act?—There are offences included in the 7th sect. of 52 Geo. III, cap. 143, as the stamp on plate, and the ace of spades, which are not under the excise.

I shall request of Mr. Mayew, the statement which the Committee desire?

Names of Persons that have been prosecuted by the Commissioners of Excise, for the Forgery of the Paper Stamp during the last 12 years; the Assizes where Indictments found, or Parties tried; and the Result.

Names of Persons.	The Assizes where Indictments found, or Parties tried.	RESULT.	OBSERVATIONS.
William Hawkins - -	Cornwall Spring Assizes 1809.	Tried and acquitted.	At this time the forgery of the STAMP ITSELF only was felony; and in consequence of this acquittal, the forgery of the IMPRESSION of the stamp, &c. was made felony.
Mark Howard - - -	Devonshire Spring Assizes 1811.	D°	
George Wyndham - -	Hereford Spring Assizes 1811.	Tried and found guilty.	Transported for 7 years.
Ralph Lomas - - -	York Summer Assizes 1811.	Tried and acquitted.	
John Tomlinson - -	D° - - - D°	Indictment found.	Absconded.
Abraham Briggs - -	D° Spring Assizes 1812.	Tried and found guilty.	Transported for 7 years.
Richard Kenyon - -	Lancaster Spring Assizes 1813.	Indictment found.	Absconded.
John Ashbee - - -	Maidstone Summer Assizes 1816.	Tried and found guilty.	Transported for 7 years.
Joseph Artheve and William Henderson	Devon Spring Assizes 1818.	Indictment found.	Absconded.

25th March 1819.

Ph. Wynel Mayew,
Solicitor of Excise for Criminal Prosecutions, &c.

The intention of 52 Geo. III, c. 143, appears clearly to have been to continue certain forgeries, and using of violence, as the only two classes of capital offences.

The Committee would ask, generally, though the answer has been given before, in order that it may appear upon their minutes; does your own experience, with regard to the revenue, lead you to believe that the laws become more inefficient by becoming more severe?—If by severity is meant punishment, I should think they did; as far as relates to the making frauds crimes, I am perfectly certain they do. It is a very common thing, with respect to penalties, for traders requesting a liberty to do what is objected to by the board (who always attach greater consequence to laws of prevention than to laws of punishment) because it facilitates the commission of a fraud to say, "Grant us that, and secure it against fraud by any penalty you please; let it be one or two thousand pounds." It is perfectly well known, that such penalties never are or

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can be enforced to their extent, therefore they amount in their excess to nothing but penalties upon paper, which experience shows to be nothing. *T. W. Carr, Esq.*

The Committee understand you to say, that the great increase of the penalty tends to an impunity of offence?—The increase of a penalty beyond what can be levied, or what the offence can be supposed ever to merit, must be inefficacious. (23 March.)

There is a class of offences criminal at common law, of which the Committee are no doubt aware, and which belongs not only to the excise, but to every branch of the revenue, and appears to me to give as great power of punishment as ever can be desirable for revenue frauds unattended with violence, that is conspiracy. Wherever the trader and officer, or any other person, combine together to commit a fraud, that is a conspiracy at common law, and they are liable to be prosecuted criminally for that offence. So that the commissioners of excise have, if they think the enormity of the case demands it, the means of such punishment without the aid of any particular statute for that purpose. The fact is, that the most serious offence, against which the revenue has to guard, is a combination between the trader and the officer by whom the duty is charged. Against that there can be no certain protection. When once the officer is in collusion, who alone has the charge of the duty, it is only by the check of the superior officer, who may come in by chance and detect the offence, that the most extensive fraud can be prevented continuance. The effect of the reward by means of the penalty, is taken away by the trader saying, "Join me, and you shall have as much as the penalty would give you."

I do not know whether the Committee is aware of another circumstance, that it is the practice of the board of excise, and also I believe of the other boards, to make periodical returns to government of those who are under imprisonment; with an account of the circumstances of life of the prisoner; the cause of the imprisonment; his conduct, age, and family. These particulars are constantly so reported, and orders are given from time to time for the discharge of such offenders, without payment of the penalties incurred, where it is thought that the person has been sufficiently punished by the length of his imprisonment. There is, therefore, under the laws inflicting pecuniary penalties, not only the means of punishing a man by imprisonment who commits an offence against the revenue, without property to pay the penalty, but there is likewise a discretion which may be, and always has been, exercised to prevent that punishment from going too far; and I cannot see that any improvement can be made on this system, which is at once calculated to secure the revenue, and to provide a due measure of punishment for revenue offences, either by the exaction of a proportionate penalty, or by such length of simple imprisonment as may answer the same end.

In all cases where you apply the word penalty you mean pecuniary penalty?—Always.

In the 38th of the King, cap. 52, intituled, "An act to regulate the trial of causes, indictments and other proceedings, which arise within certain counties," it is provided, that in all cases of local jurisdictions, bills of indictment may be preferred to the jury of the next adjoining county; but it is provided, that nothing in this act shall extend to the cities of London and Westminster, the borough of Southwark, the city or county of the city of Bristol, or the city or county of the city of Chester, or to the criminal jurisdiction of the city of Exeter and county of the same city.

William Lewis Newman, Esq. called in; and Examined.

HOW long have you filled the office of solicitor to the city of London?—About 16 years; since 1803. *W. L. Newman, Esq.*

Has that office given you the means of knowledge, with respect to the criminal records and proceedings in the city of London?—Not particularly with respect to those records; the duty of my office is to act as attorney in all cases where the city of London are parties, and of course, gives me an opportunity to have access to all records that are in the possession of the town clerk, or in the record room. I had nothing particular to call my attention to these records.

Have you any information that you think important, which you can communicate to the Committee, arising from your experience, or any observation you have had an opportunity of making?—In the situation I held in the city of London, previous to my present one, I had some opportunity of observing the operation of the criminal laws, in consequence of attending the Lord Mayor

W. L. Newman, Esq. (23 March)

as law clerk for fourteen years. I have been yesterday and this morning at the town clerk's office, where the records of the sessions of the peace and gaol delivery for London, have been taken out of the boxes, in which they have been deposited and laid up for a considerable time. The town clerk has arranged them for several years; for the period, beginning in the last century, from 1700 to 1730 the records are nearly complete; I think the year 1707 are wanting, and at present they have only found two or three sessions of 1700, and 1701 two and three; all the rest are for that period, at present complete, and they appear to have no doubt but what the remainder exist, and shall be able to discover the whole.

It is the wish of the Committee to have the first thirty years of the eighteenth century first of all, with as full a return as the records will enable them to make?—It appears to me, that from what they have already taken out of the boxes, very nearly the whole of the proceedings can be discovered; I have seen some in the early part of the century of 1600.

Have you had any opportunity of observing the effect of the denunciation of capital punishment, in offences not very atrocious, in discouraging prosecution and conviction?—I have had occasion, at various times and often, to observe a disinclination in prosecutors to prosecute capitally for offences not atrocious, from which clergy has been taken, or which were statuteable capital felonies.

To express more precisely the offences, are the offences in which you have observed such a disinclination, those which are not committed against the life or the person or dwelling of man?—Exactly so.

And you have observed a considerable reluctance to prosecute, except in all these cases?—I have observed it in all those cases, particularly when I was clerk to the lord mayor, upon the committal of the accused persons, which is the first stage of prosecution.

Could you name any particular offences, where you have been struck with a disinclination to prosecute?—No particular one occurs to my mind at present.

Privately stealing in a shop, for instance?—Yes; or from the person.

That is now repealed?—Yes, it is; but privately stealing in a shop, and frequently in the case of females who have committed those offences.

Have you observed it in the case of issuing forged notes?—I have not, since the forgery of bank notes has become so prevalent, because my situation has not led me to it.

Do you recollect stealing in a dwelling house to the value of 40*s.*?—Yes, stealing in a dwelling house to the value of 40*s.*; I have had occasion to observe it in persons coming to prefer their bill of indictment; the clerk of the indictment of course would draw the indictment from what he could collect from the examination of the witnesses, and frame it according to the species of offence which the evidence proved. I have seen a disinclination in persons to have an indictment drawn capitally, and I have known instances where they have employed a solicitor, and instructed him to indict for a single larceny.

Did your situation give you an opportunity of making any observations upon the offences of horse-stealing, sheep-stealing, and cattle-stealing?—The only mode of information which I have on this subject, is always having sent to me the calendar of the prisoners in Newgate, and for offenders in Middlesex, but I have not examined them with any particular view.

Did you ever know an instance of capital execution for cutting down trees?—Never; there has been one, but it did not fall within my observation.

Do the Committee understand you to say, that there is, generally speaking, a reluctance to prosecute in crimes not of an atrocious description?—I have so observed.

There is then a distinction made in crimes not committed against the life, person, or dwelling of man?—I would say in the case of a constructive burglary, as breaking a shop window, and taking out with a wire silver ware or other goods, I have seen a reluctance to prosecute for a burglary as a capital offence.

Do you think, if many of those minor offences, which are now capital, were made not capital, there would be a considerable abatement in the reluctance to prosecute?—I think there would.

From your situation as solicitor in the city, the Committee understand you to

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(23 March.)

to say, that the crimes of horse-stealing, sheep-stealing, and cattle-stealing, come very little under your cognizance?—Very little.

Occasionally indictments for those crimes must have been preferred in the city, from the circumstance of stolen cattle, or horses, or sheep, having been offered for sale at Smithfield?—Prosecutions of that kind have occasionally occurred, from the circumstance of the property stolen being found in the possession of the party in the city.

The Committee think you did not state, whether you have made, in the course of your experience, any observation upon the readiness or disinclination to prosecute in crimes of that description?—No, not with respect to horse-stealing.

Sheep-stealing?—The offences of sheep-stealing have not been very frequent, I believe. I do not think prosecutions of that sort are very common in London. I think horse-stealing is more frequent than sheep-stealing. If a horse was stolen from a distant county, and the witnesses lived in that county, the magistrates before whom the offender was brought in London, probably might commit the parties for trial in the county where the offence was committed.

Is it not the universal practice of the committing magistrate, to bind over the prosecutors to appear?—Yes, it is or should be. I believe it is the universal practice, and never omitted.

Have any cases come under your experience, and what, in which prosecutors have forfeited their recognizances?—I think in the year before last, or the one preceding, some parties were bound over to prosecute for forgery, and who forfeited their recognizances, which had been estreated into the court of Exchequer. I have claimed them as the bailiff belonging to the corporation; they have been set over to the corporation as the grantees of the crown, and I have received the forfeiture as their bailiff.

This is the only instance you recollect?—The only instance. I do not at present recollect any other, but there may have been one or two during my time; there may have been more in Middlesex, because at every session a greater number of persons are discharged for want of prosecution, and therefore there must be a greater number of recognizances forfeited, but that does not come within my experience.

Rev. *Horace Salisbury Cotton*, called in; and Examined.

Rev. H. S. Cotton.
(25 March.)

YOU are Ordinary of Newgate?—Yes.

Have you for some time filled that office?—For about five years.

You gave evidence before the Committee appointed to consider the police of the metropolis last year?—I did.

In order to save you trouble, the Committee wish that you would read that part of the evidence which you gave, from the words, "You are ordinary," to "number of convictions," pages 168 and 169 of the third report, and tell the Committee, whether subsequent observation and reflection have confirmed or otherwise the opinion which you delivered in that statement?—

"You are Ordinary of Newgate? I am.—How long have you filled that situation? About four years.—Since you have so filled it, have you any account of the number of persons who have suffered execution? I have not myself, but I can furnish it.—Have you made any observation as to the effect of the sentence of capital punishment upon the prisoners? It seems scarcely to have any effect upon them; the generality of people under sentence of death are thinking or doing any thing sooner than preparing for their latter end.—Do they not, from their experience of the practice of the law, generally speaking, consider that the sentence of the law will not be carried into effect? Certainly; generally speaking, if there are a number under sentence of death, there are very few indeed who suppose the law will be carried into execution; some of them may be more serious.—Notwithstanding the pains which you feel it your duty to take, to impress them with serious feelings, do you generally succeed? Not generally.—To what cause do you attribute that? So few of them believe that the sentence will really be executed; and so many of them are crowded together, that one hardens the other.—When a warrant comes down for the execution of any person or persons, what is the impression which it immediately makes? Upon those who are included in the warrant, the first emotions are perhaps horror and despair, or violent anger.—Do you find any difference in those emotions, according to the nature of

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the offence for which the persons are convicted? Certainly I do; in cases of forgery I find a good deal of anger in the people, against the punishment which is annexed by law; and in cases of forged bank notes, they are always discontented with the selection which they conceive the bank has made of them as individuals.—Is it not the practice to select a certain number of cases, at the discretion of the bank, leaving for trial the capital part of the offence, and allowing others to plead to the minor offence, namely, the having the notes in their possession? I have understood so.—Do you find any difficulty in subduing that feeling of resentment which you state exists? Generally I do; I am obliged to reason with them a great deal; I am also obliged to insist, that the uttering of a forged bank note is a very serious crime, for they are all in the habit of thinking it nothing equal to the offence of picking pockets, housebreaking, or any thing of that sort.—From your experience, can you say that there is a feeling, whether right or wrong the Committee do not examine, but whether a feeling does exist among those persons who commit offences on the bank, not to consider them as moral crimes? Generally there is that disposition; the man now about to be executed told me this morning, that it was complete murder; and when I reasoned with him, saying that others had suffered for it, and in a late instance, mentioning the case of Ward, for whom so much intercession was made, he said that was murder also, and that in no other country was this punishment apportioned to this offence.—Do you think the feelings of the public revolt against the execution for forgery? I think they do, certainly.—Do you find amongst the prisoners that feeling you have described to exist in the breast of the individual you have just mentioned, when they are capitally convicted of house-breaking, highway robbery, murder, and other offences of that high character? Certainly not among the other prisoners; in cases of murder, they all express horror, and frequently say the man richly deserves his fate.—The Committee understand you to say, that in all the other high offences, the feeling of the prisoners themselves are against the person to be executed, and that they consider his condemnation as an act of justice? Certainly; however they may pity and feel for the offender, yet they all express their sense of the justice of the sentence, and though they may lament the man suffers capitally, yet at the same time, if it is a clear case, they do not accuse the justice of the country in awarding that punishment.—The opinion that you mean to give is, that though the person acknowledges his guilt, and the justice of the punishment, yet that there is a strong feeling against the specific punishment; namely, the capital punishment which the law inflicts? Most undoubtedly; and I believe they express no more than the general feeling of the public.—You have attended, of course, many executions for forgery? Certainly.—Have you observed in the manner of the spectators, that they were affected in the same way as you have described the prisoners to have been? I think I have heard a good deal of murmuring upon the occasion, that so many people were suffering capitally on account of the bank convictions; and I think I have more than once or twice heard individuals names mentioned who have been allowed to plead to the minor offence, when the people at large have thought that those individuals ought to have suffered, instead or equally with, the persons who were executed.—Without entering into the question of the propriety or impropriety of those feelings, the Committee understand you to say that they exist? I firmly believe so, from what I have observed. Have you ever witnessed in the manner of the spectators, who were assembled at those executions, any particular feeling of approbation or disapprobation at the infliction of the law in other cases excepting those of forgery? Yes, I have; I have seen the people as it were approve of the sentence being carried into effect, generally; in a case of murder they seem satisfied that it should be so, but in few other cases.—Do you think that those feelings on the part of the public have varied of late years, or are they greater or less than they were formerly? I have only been about four years in the office; but during those four years I think those sentiments and feelings have increased, probably because executions of that kind have multiplied, as I believe.—Have the executions in the last years, in the ratio of the number of capital convictions, increased over and above what they were the year preceding? I do not think they have; but the account the Committee have will prove

prove that; I should think they have been rather less in proportion to the number of convictions."

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Does your subsequent experience or otherwise tend to confirm the truth of this statement?—To confirm it.

Is there any other part of your evidence before the Police Committee, which occurs to yourself, as being important upon the present occasion?—I am not aware of any part, unless it is pointed out.

What is the result of your experience with respect to the impression made by capital punishment upon the mind of the public?—That it makes very little impression upon the public; they appear to me to come to it as a spectacle, and go away thinking no more about it, without some very extraordinary case or very peculiar crime occur.

By "they" you mean the bye-standers in general?—Yes, the bye-standers in general, the public who collect.

With respect to the two classes, of inexperienced offenders and practised offenders, what is the effect of capital punishment in your opinion; has it any different effects upon those two classes of offenders?—There are, as I conceive, so few opportunities of comparison between the two classes; because I think the Government so seldom order inexperienced or unpractised thieves to be executed; they are generally old offenders before they are visited with that punishment.

The question which the Committee put rather related to the effect of capital execution upon offenders?—I think a shock and horror at the moment upon the inexperienced and the young; but immediately the scene is closed, forgetfulness altogether of it, leaving no lasting impression at all upon the young and inexperienced? Upon the old and experienced thief, the chances have gone against the man who has suffered; that it is of no consequence, it was what was to be expected; making no real and serious impression upon the mind. I have had occasion to go into the press-yard within an hour and a half after an execution, and I have then found them amusing themselves playing at ball or marbles, and appearing precisely as if nothing had happened; no such serious event had occurred upon the people for trial. I am not aware that it has any serious effect at all; not any serious impression; here and there there may be one or two who are very much alarmed at their situation, and dreading the event; it staggers their mind at that time, but the whole thing is soon blotted out and all gone.

Are you generally in court at the time of passing the sentence of death?—I am always there unless any thing particular occurs.

Are you aware that the terror of the sentence of death is weakened by its being pronounced upon a great number of persons together, consisting of those who are likely to be executed, and those who are not likely to be executed?—Yes, most undoubtedly; that is my opinion; I give it only as my opinion. I have seen them behaving in a most indecent manner while sentence of death is passing, so much so as to call for my reprehension afterwards; I have gone into their yard or cells and reproved them.

You mean the persons on whom the sentence was pronouncing?—Yes; I have seen them cracking nuts and looking up to the galleries, and nodding to their companions or acquaintances who were witnessing the scene.

From your experience of the characters of the prisoners in Newgate, do you think that the terror of the sentence of death would be increased, if only passed upon those where there was a probability of its being inflicted?—Certainly.

Will you give your opinion with respect to the effect of punishment of death in any other respect, except in those offences to which you have just now spoken?—I am completely of opinion, that it has not any effect by way of example any where; that it excites pity generally when the punishment is inflicted; it seems to take away and blunt the abhorrence against the crime in pity and compassion for the sufferer.

You mean to be understood as excepting murder and other very atrocious crimes?—Yes.

Arson, for instance?—Yes, certainly.

Highway robbery, with violence and cruelty?—Yes; poisoning and burglary, and rape and unnatural offences; certainly, the last is usually marked with abhorrence by the public; I am happy to say, for unnatural offences the other prisoners themselves feel detestation, and I have continually heard them say, that the sufferers have richly deserved it.

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In cases of piracy?—Yes, when accompanied with murderous intention and violence.

In the class of crimes all murderous offences, such as stabbing and shooting at?—Oh, yes; certainly.

In all those classes you have not observed any repugnance, either of the bye-standers or the prisoners, to the execution of the law?—No, no repugnance whatever.

You have mentioned in your evidence before the Committee of police, that forgery is an offence in which there is this repugnance; will you mention any other offences in which there is the same feeling.—In all cases except those before enumerated.

Have you observed that sort of repugnauce in cases of the offence of larceny in a dwelling-house?—I do not think I have observed any particular sensation on that occasion; but I do recollect a case where I observed great compassion in the public, the bye-standers; that was where a maid servant was executed with some others for a larceny in a dwelling-house, where she had let in the robbers; perhaps it was because a *female* was about to suffer.

John Smith, Esq. a Member of the House, partner of the house of Messrs. Smith, Payne and Smith, bankers, delivered in the following Statement:

John Smith, Esq.

"IT certainly has fallen within my observation to have remarked, that notwithstanding a number of the city bankers formed a society and appointed a solicitor to prosecute persons suspected of forgery at their own expense, that in some instances individual pity prevailed, and no prosecution took place, the parties forged upon having withheld the forged document or other evidence. I have known an instance of that kind where a boy under 16 years of age had committed forgery; I say committed, because he confessed that he had. Those who examined the boy were of opinion, that he had no just or accurate nature of the crime, or of its consequences to himself or others; he, though low in life, had very prepossessing manners. The parties forged upon felt great difficulty to decide upon the course they should take, and they went to the Lord Mayor, Sir Charles Flower, to consult him upon the subject; they wished to know whether he would commit the boy, with an understanding that he should not be prosecuted. The Lord Mayor replied, it would be a breach of his duty; that if the boy was brought before him, he should feel it his duty to bind over the parties to prosecute, and to send the boy to Newgate. The individuals upon whom the forgery was committed sent the boy on board the tender, and he was afterwards put on board a man of war. I have also known more than one or two instances where, in cases of forgery, the forged document has been purposely destroyed or withheld, for the purpose of permitting the prisoner to escape punishment."

Is it your opinion, that there would have been any reluctance in those cases, if the punishment had not been capital?—I certainly think, if the punishment had not been capital, in all the cases to which I have alluded, prosecutions would have taken place.

What is your experience, with respect to the effect of the punishment of death, as to the offence of bankrupts concealing their property?—I have never known, from my own observation, any instance of a bankrupt prosecuted for concealing his effects, but I have been told there have been one or two such cases; but I have known many and repeated instances of strong suspicion existing against bankrupts, for having secreted their effects above the value of 20*l.* and I never yet found any disposition to prosecute such individuals; I have had many conversations upon this subject, during the last twenty years, with assignees, and I have uniformly found an indisposition to prosecute the individual, because the punishment appeared more than adequate to the offence; they can entertain no doubt whatever, but that if a slighter punishment were enacted for concealment of bankrupts effects, that many prosecutions would be instituted.

With respect to the other offence of non-appearing?—I never knew an instance, from my own observation, of a bankrupt prosecuted for non-appearing; in such cases indeed they generally abscond themselves; they go to a foreign country; but I have known an instance or two, in which they have returned, and remained in this country, in defiance of the law.

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Can you mention the cases?—I cannot mention the name of one, but there were one or two about eight years ago.

In the cases of those persons, who have returned in defiance of the law, do you conceive that they would have been prosecuted if the punishment had been less than death?—I think they would.

Have you any experience, with respect to the effect of the capital punishment in other offences besides those of which you have spoken?—I have visited, in the course of the last twenty years, most of the county goals in England; and I am convinced, from conversations with prisoners and gaolers and other persons, that it is next to impossible to convince prisoners under sentence of death for offences which are not attended with cruelty, or any other very aggravating circumstance, that they are justly sentenced; and I think the same opinion prevails among all persons connected with, or inhabitants of, the prison. I have observed the same things in Newgate, and I have had it very strongly confirmed to me by the testimony of Mrs. Fry; I have also observed by consequences resulting from the uncertainty of the law as it at present exists. In the case of three or four individuals, executed for capital offences, of whom I have had some knowledge, I have observed that they could not persuade themselves, until they were ordered for execution, that they would suffer; and perhaps, in strict reasoning, they were justified in forming such a conclusion, from the great uncertainty that exists as to the fate of prisoners under sentence of death.

Have you, in the course of your acquaintance, with respect to the class of society with which you associate, observed the same feeling with regard to the execution of capital punishment of offences, which are not peculiarly repugnant to the natural feelings of man?—I have, almost universally; indeed with the exception alone of some very worthy excellent friends of mine, who are of the profession of the law.

Patrick Colquhoun, Esq. LL.D. called in; and Examined.

P. Colquhoun, Esq.
(26 March.)

ARE you a magistrate for the city of Westminster, and how long have you been a magistrate?—I have upon the whole been nearly forty years in the magistracy, and have acted as a magistrate for Middlesex, Westminster, and the adjoining counties of Surrey, Kent, and Essex, for the last 27 years; I resigned my situation as a police justice in January 1818.

During this period have you had general experience of the administration of the criminal law, and the effects of punishment on convicted persons?—The situation I held as a police magistrate, both in the eastern and western part of the metropolis, for so many years, certainly afforded me opportunities of attending to the administration of the criminal law, and its effects in regard to punishment.

What has been your experience with respect to these laws on different offenders, in cases where the punishment has been rarely inflicted?—My experience has led me to draw this conclusion; namely, that the punishment should be such as would answer the ends of justice; and that the sentence of the laws should be invariably (except in extreme cases) carried into execution. It is more than twenty-three years ago since I brought under the review of His Majesty's Government and the public at large, a full exposition of the result of my experience in respect to crimes and to punishments, in my Justice on the Police of the Metropolis, and suggesting remedies; and I have the satisfaction to know, that whenever such remedies for the prevention of crimes were adopted, they have completely succeeded; almost every imperfection in the criminal code, and also in the system of police, which has recently been disclosed in the Parliamentary Reports, will be found in that work. My opinion on the subject of capital punishments for minor offences remains unaltered; they operate powerfully in preventing convictions, and send back upon society many offenders by acquittals to renew their depredations on the public.

Have you observed a considerable repugnance to prosecute in certain classes of crime which are made capital by the law of England?—Very frequently, insomuch that I have in some instances been obliged to threaten imprisonment to prosecutors who have refused to enter into recognizance; and I have reason to believe, that crimes in several instances, not of atrocious nature, but when the punishment of death attaches, are never brought under the review of magistrates at all. And when such prosecutions take place, it is well known that were

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the law is considered as too severe, juries frequently return verdicts greatly under the value of the property stolen, that the capital punishment may not attach to the crime committed.

Which is the class of crime to which you allude?—The crimes to which I allude are forgery, shoplifting, larceny, burglary without entering the house, horse-stealing, cattle-stealing, sheep-stealing, frame-breaking, house-breaking in the daytime, highway robbery with acts of violence on the person, and various other minor offences now subject to the punishment of death.

And when the law is executed in these cases, do you think there often prevails a general disapprobation?—It appears to me that, generally speaking, the public mind revolts at the infliction of the punishment of death on crimes not of an atrocious nature.

With respect to the offences of horse-stealing and sheep-stealing, have you made any observation?—It does not appear to me, that the public mind in general considers this offence as deserving the punishment of death. In some instances, this offence is committed by persons not proselytes to vice, and in others, by persons of the most depraved character.

With respect to the most atrocious crimes, have you observed any reluctance to prosecute?—I scarcely recollect any instance in atrocious crimes accompanied with violence.

What is your opinion as to burglary and highway robbery with violence?—In such cases there is certainly no repugnance to prosecute.

Unnatural crimes?—Certainly not.

In the year 1792 you were first a magistrate?—Yes, in the metropolis; I was a magistrate 12 years before this period.

It was about this time that there was a great diminution in the proportion of executions?—I have not a perfect recollection of that fact.

By the returns it appears, that from 1784 to 1789, the proportion of executions to convictions was 54 to 113?—I cannot assign any cause for this.

Will you be pleased to state to the Committee, any observations which occur to you on the subject of capital punishments?—It has occurred to me, that except in cases of high treason, murder, sodomy, arson, and other offences accompanied with violence to the person, the punishment of death may be dispensed with, under circumstances advantageous to the administration of criminal justice. In most cases of forgery the mind has not undergone that degree of depravity which attaches to thieves long in the course of criminal delinquency; and it may be reasonably presumed, that this offence may be restrained, in a greater degree, by hard labour and exposure; it will be more dreadful to many forgers than death itself, which last is perhaps considered as a relief to persons urged on to this crime by multiplied misfortune, and the pressure of want.

Have you observed any cases of burglary approaching to the guilt of murder?—Such cases certainly sometimes occur.

Are not many of these cases scarcely distinguishable from murder?—In some cases there is but a shade of difference.

Do any other observations occur to you, which you would wish to make to the Committee?—Presuming the inquiries of the Committee do not proceed beyond the punishment of criminal offenders; nothing, therefore, occurs to me on this branch of criminal jurisprudence.

Have you observed, that many of the criminals who have been convicted were discharged soldiers and seamen?—Certainly not.

Is not the number of professed rogues in London, who have been trained to crimes, very great?—The number, including the juvenile delinquents, is certainly very considerable; and in point of moral turpitude, there is a marked distinction between those reared in the metropolis and other large towns than in the country, although it is to be lamented of late, that crimes have spread broad and wide, and that although less depraved in general, the offenders out of the metroplis are become extremely numerous.

What is the proportion of capital offenders, which you consider as being professed rogues?—It is impossible to ascertain this fact with any degree of accuracy; the proportion, however, in the metropolis must be greater of depraved and completely proselyted offenders than in the country.

Can you give the Committee any further information?—Although not immediately connected with the short limits of the present inquiry, it may be

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of some importance to state, that for many years, previous to the American war, convicted felons were transported to the then colonies, particularly of Virginia and Maryland, by contractors at a very small expense to Government. These contractors are remunerated by the disposal of the services of those convicts for the period of time stated in their convictions; namely, for seven or fourteen years, as mechanics and labourers were then much wanted in those provinces (as they now are in Canada and our other North American colonies) the term of service was eagerly purchased at a price conformable to the acquirements and bodily strength of the convicts, who generally became afterwards useful members of society.

In cases of transportation to Virginia and Maryland, were returns very frequent?—I rather think not; because they found there, after being trained to habits of industry, a ready means of supporting themselves, and even of acquiring property.

What degree of compulsion was used to enforce their labour?—Their labour was enforced by local acts of the provincial legislatures, applicable to the peculiar circumstances of the case, which were found to answer the purpose without much severity.

Were the escapes then frequent?—The local laws provided remedies in such cases; which, I believe, were generally found effectual.

Do you think the stoppage of transportation to America increased the number of offenders?—It certainly, for a time, offered great difficulties as to the means of disposing of those formerly sentenced to transportation.

Then might not that account for the growth of offenders during the previous peace?—Possibly it might; but before the American war the police was not well regulated, and there existed not an organized or efficient force for the detection of criminal offenders.

The Committee are speaking of the comparison between one period and another?—I am aware of this, but am unable to answer the question with precision; at present, one of the chief causes of the increase of crimes may fairly be attributed to the demand for labour being much less than the supply, and from the great number of depraved characters, exceeding all former periods, who are periodically discharged from the different gaols of the kingdom, at the expiration of their sentences and by gaol deliveries, without character, without friends to assist them, and without the means of finding employment, while others, whose characters are unstained, are soliciting employment, often in vain, and who will always have a preference when work can be procured.

Have you any thing further to state, that you conceive of importance, and wish to communicate to the Committee?—No; nothing within the limits of the personal inquiries.

Mr. *John Addison Newman*, called in; and Examined.

Mr. J. A. Newman.

YOU, I believe, were keeper of Newgate?—Yes.

How long were you keeper of Newgate?—About 13 or 14 years.

You were formerly examined before the Committee of Police?—Yes.

[An extract from the Minutes of Evidence given by the witness before the Committee appointed to inquire into the State of the Police of the Metropolis, was read to him by the Chairman.]

Those are some of the facts you stated to the Committee of Police?—Yes.

You are not keeper of Newgate at present?—No.

Your experience extends 40 or 50 years back?—Yes.

How many years were you keeper of Newgate; from what time?—From Michaelmas 1804 until the year 1817; but prior to my being keeper of Newgate, I was keeper of Giltspur-street compter and Ludgate prisons.

Have you had any opportunity of observing the feeling expressed by the bye-standers in executions for murder and other atrocious offences?—Yes.

Have you observed any difference between those offences, and the less atrocious ones, as to the impression made on their minds?—The feeling on the subject with respect to forgery generally excited pity, but murder always met with general execration, unless where the sentiment has been altered by some popular prejudice.

Have you ever seen many executions for larceny in the dwelling-house?—I have known very few during my time, and never without some aggravation of

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the circumstances; but I never was present at the execution of a criminal, having always retired as soon as I had delivered the prisoner into the custody of the sheriffs.

Did you ever see any for horse-stealing?—Yes; but not lately in London.

There have been three in the last three years for London?—I believe so.

Three in the last few years?—Yes.

Have you any further observations to make to the Committee?—One of the executions for larceny in the dwelling-house happened to a servant, who being hired but the day before, let in her husband to rob the house; the horse-stealers were said to be men of bad character.

Is there any thing else upon the effect of capital punishment you would wish to add?—No.

With respect to the punishment of death for those offences, except in aggravated cases, do you not think it would be better done away with altogether, than continued merely for example?—Yes.

Can you give a guess at the number of professed rogues, and of young offenders convicted, what proportion they bear to the whole number?—No, not correctly; but I think about one in four, who cannot get their living in any other way.

Of capital convictions?—Of persons committed generally.

Have you made any observations while you were keeper of Newgate, since the peace?—No; having quitted the situation about two years.

Have you observed whether many soldiers and sailors appear in convictions?—No, very seldom.

Persons who have been serving in the army and navy?—Many prisoners have been released on condition of serving in the army abroad.

In war time?—Yes.

Mr. *William Robert Henry Brown*, called in; and Examined.

Mr. W. R. H. Brown.

I BELIEVE you are the present keeper of Newgate?—Yes.

How long have you been so?—Two years.

Were you employed before in the same way?—No.

Had you any personal experience of the administration of capital law, before you were keeper of Newgate?—No.

Have you ever attended as a juror at the Old Bailey?—Yes.

And have been often present?—Yes.

What was your former occupation?—I was in the brewery.

What has been the result of your experience with respect to the execution of capital punishment, and enforcing the law; have you observed what has been the result, especially of the infliction of death on persons capitally convicted of the more atrocious crimes, with respect to the bye-standers and visitors?—I can hardly think it can have any very moral effect, or make any advantageous impression upon the minds of persons attending those executions, when they will even under the gallows, be oftened engaged in picking pockets; I apprehend, that many of those who attend executions, are of the most depraved and abandoned character; those who have been executed for the more atrocious crimes, such as murder, have not excited much pity in the surrounding multitude, but they have shown rather an approbation than otherwise; but in the case of persons who have been executed for the less atrocious offences, such as uttering forged bank notes, there has been a cry of shame, shame, and in one instance, a cry of murder; a general disapprobation was particularly expressed at the execution of Weller and Cashman, and another who was executed a few months ago.

With respect to any other crime besides forgery, have you observed the same effect?—No; I am speaking of uttering forged bank notes; I make a distinction between forgery and uttering forged notes.

The convictions and executions for forgery, are very few?—Yes.

Have you any further observations to make to the Committee, which you consider of importance?—Here is an account of all the convictions of last year at the Old Bailey sessions (*handing it in*); out of 1,430, 20 were executed; three for murder during the last year, two for burglary, two for stealing on the river Thames, one for highway robbery, four for forgery, and eight for uttering forged bank notes.

In 1818, there are only two convictions for forgery?—Those that were executed

cuted in 1818, were convicted the year before; there were three convictions the year before.

Mr. W. R. H. Brown. (26 March.)

Have you an account of the number of persons committed in 1818, under 20 years of age?—The number of persons committed last year, boys and girls, under 20 years of age, 677, which is nearly one-fourth of the whole number of committals in that year.

Do you know whether they were the children of professed rogues, in general, or otherwise?—I do not know; among the persons that were in custody, there were a great number who have been entirely neglected, as to their education; there are twenty-six boys now in the prison, five of whom can read, fourteen can read and write, and seven can do neither; they are instructed in the prison.

Are you of opinion they were trained to commit crimes, in general?—I cannot say.

What was the number of persons committed to Newgate last year?—There were near 2,400 committed last year; out of which number, there were 153 under 20 years of age, convicted of capital offences; on the 20th of March last, out of 404 in the prison, there were 203 who could read and write, 70 who could read, 131 who could neither read or write; and out of that number, there were only four who had been in the army, and 14 in the navy; and of the 404, there were 133 under 21 years of age.

Have you observed, whether the severity of the punishment has had any influence on jurors at the Old Bailey, inducing them to disregard their oath, and find the property below its real value?—I have observed in many instances, that they have found the value of the property below 40*s.*, in order to save the life of the offenders.

Is there any thing else that occurs to you?—I think the punishment of death has greatly diminished within the last 16 years.

The Reverend *David Ruell*, called in; and Examined.

Rev. David Ruell.

ARE there any capital convicts in Clerkenwell?—Persons of that description are only committed to Clerkenwell for re-examination, and when fully committed for trial are removed from thence to Newgate.

Have you had any experience on the general question of capital punishment?—I have conversed with a number of prisoners, and other persons connected with our prisons, on that subject.

What has been the general result of such conversations?—From my own observation, as well as the testimony almost of every individual I have conversed with, I am of opinion, that the present uncertainty of the punishment following the crime, produces a very bad effect upon the minds of criminals, and rather leads to the fresh commission, than deters from crime.

In what particular respect?—It is with them, especially the young, and such as have been convicted a second time, a complete system of calculation. They reason thus: It is a chance whether found out at all; it is a greater chance whether convicted; it is still a greater chance, or rather a moral certainty, that they shall not be executed if convicted; so that in fact they more frequently treat the idea of death with levity rather than fear. I have examined a number of prisoners, not less than from 30 to 40, some of them old offenders, and from peculiar circumstances, such as have had much intercourse with professed thieves of all classes, and they have with great candour acknowledged, that their own minds, and those of others, have been thus influenced. From all the persons examined on this subject, I do not recollect having heard a contrary opinion.

That is the sentiment entertained by persons committed for every sort of crime?—It is the feeling of most who are committed for different sorts of felony.

Have you observed any difference between the more atrocious and the less atrocious offenders, with respect to capital punishment, as to their expectations?—In cases of murder, they naturally expect that the punishment of death will follow conviction; but with regard to other capital offences, I believe a very general expectation prevails, that they shall not suffer execution.

Your observation is, that, generally speaking, they entertain that opinion with respect to the lesser offences, for which death is but seldom inflicted?—Yes.

But in cases of crime, where death has been frequently inflicted, you observe a difference?—Yes. In that case I believe the crimes are not so frequent.

Rev. David Ruell. (26 March.)

Have you made any observations at executions?—Very seldom.

You are chaplain of the New Prison, Clerkenwell?—Yes, and of the House of Correction for Middlesex, as well as the New Prison.

Do convicts very frequently acknowledge their guilt?—They are willing to make general confessions of guilt, but discover a very strong disposition to extenuate their individual offences.

They rather acknowledge general morality?—Yes.

Have you observed any difference in their minds with respect to the sentence of capital punishment, for the different classes of crime?—In cases of forgery there are strong feelings excited; I may say almost, that they shudder at the punishment of death for that crime.

By shudder, do you mean that they complain of the hardness?—Yes, they consider that punishment to be greater than the crime deserves.

Am I to understand you as stating that to be their real feeling?—Yes.

Not merely the language of hardened offenders?—No.

Both among the sufferers and other offenders?—Yes, I believe very generally.

Have you observed the same complaints with respect to the most atrocious crimes?—No.

What is the average number of persons at both prisons?—The average number in the House of Correction is from 370 to 400. In Clerkenwell there are never so many at one time, though a greater number are committed annually; from 80 to 200, according to the nearness of sessions, may be considered the average. The total number who pass annually through both prisons is from 7,000 to 8,000 persons.

Can you form any conjecture of the proportion which professed rogues bear to the whole number?—I really cannot.

Probable conjecture is all I mean?—From a third to one half, I should suppose, may be persons of that description.

With respect to young offenders, have you observed whether in general they are the children of depraved parents?—Generally speaking, they certainly are, or such as have been brought up utterly destitute of religious education, and been corrupted by associating with other wicked boys. I have very seldom indeed found a boy in prison, who had been properly educated in the great principles of Christianity.

Can you form any estimate of the number of those who can read and write?—Many can read a little who cannot write, but I do not think that more than one-third can even read; they have the means however of learning as soon as committed. There are now several in the House of Correction who could not read a word when they came, who can now repeat their catechism with tolerable accuracy.

Have you any hope of reclaiming those brought up in ignorance sooner than others?—In some cases good has been done, and may still be done; but my experience compels me to say, that I am not very sanguine as to reclaiming those young offenders who have from their very infancy been inured to crime; we have generally more trouble and less success with such than mere old offenders. The reason I conceive to be, because they have been brought up in entire ignorance of all moral and religious principle, and their associating together only tends to harden them in crime. There is a depth of depravity and moral insensibility among them truly appalling, and which would be hardly credited without ocular demonstration. While no efforts should be spared to recal such awful instances of moral degradation, I feel convinced in my own mind, from what I have seen and heard, that measures to remove their ignorance and to prevent the further seduction of others, will confer a much greater benefit upon the public than the best plans for recovering the lost.

Do you imagine that old offenders have had a better education than young ones?—In some instances I think they have, and where this is not the case they have not been generally so early corrupted, and therefore when convicted have more moral sensibility to work upon; but in the case of those boys who have been brought up in ignorance and early corrupted, there is, for the most part, a total want of moral feeling.

Is there a very great proportion of women committed to the prisons who live by prostitution?—There are many of that description committed to both our gaols; but I am happy to say, that the total number of female commitments is much on the decrease of late years; probably a third at least.

How

Rev. David Ruell. (26 March.)

How long have you been chaplain?—Five years next month.

In both prisons?—Yes.

Have you made any observation as to the number of soldiers and sailors committed during that time?—The number of soldiers and sailors has been, I believe, comparatively small; military officers sometimes send their men there for military offences; but their number is very small, not above six or eight at a time.

Is not part of the prison appropriated to the purpose of a military depôt?—When soldiers are committed under military offences they are kept separate from other prisoners, and are confined in the gallery cells.

Have you had lately many soldiers and sailors committed?—I think not.

What in your opinion are the causes which lead to the increase of crime?—They are numerous and various, though all tending to the same unhappy result. Among others the following appear to me to contribute largely; the lamentable want of Christian education among the poor; the profligacy of parents themselves, and the real want of proper employment for their children as they grow up, which induces them to let them run about the streets the early victims of corruption; the vast number and bad regulation of liquor shops and public houses, which too frequently become the nurseries of gambling and every other species of vice. This is the case too much with all, but especially those horrible haunts of criminality and corruption, the flash-houses, as they are called, where the very worst of both sexes resort. In close connexion with this Sunday newspapers are a great evil, inasmuch as they allure the idle to the alehouse and to a breach of the sabbath, which, upon the testimony of criminals themselves, has led, in thousands of instances, to every other crime. The alarming extent of public prostitution; the fact that upwards of 40,000 abandoned women are allowed to walk our streets, speaks for itself; in three parishes alone, in the north-east of London, it has been stated on good authority, that there are 360 brothels and 2,000 prostitutes, out of about 9,925 houses and 69,000 inhabitants; the fact also stated, in the Police Report of the House of Commons, that 6,000 mere boys and girls live upon the town in such habits, and that for such persons, in one house in St. Giles's parish, about 400 beds are made up of a night, shows how powerfully and widely corruption spreads; women of the above description, by the most seductive arts, allure our youth into their haunts of vice and infamy; and the next step in the road of corruption is, to rob their employers to support such expensive pleasures. The uncertainty of detection and punishment, the want of more room and better prison discipline, and above all, the great want of employ on leaving our prisons, swell the catalogue of causes which corrupt our population and lead to new crimes. The want of employment or some honest means of subsistence on leaving prison, I regard as a most serious evil. Out of more than 7,000 who pass through our two prisons, a third or more leave prison with no other reasonable prospect of subsistence but to return to crime.

Of those causes several are neither more nor less than usual; they are nearly the same at all times?—Certainly.

They do not account for the increase of crime?—Not exclusively, or more at one time than another, but certainly contribute, with other causes.

With regard to two of those causes; the uncertainty of punishment and the state of our prisons; do they tend to the increase of crime?—Undoubtedly; for the uncertainty of punishment directly leads to crime, and the state of our prisons spreads corruption, which more indirectly prepares for its commission.

What are the preventive measures, with respect to crime, you would recommend?—It is not easy at the moment to recollect all that might be beneficially employed; but the following, I think, would have a salutary effect; viz. to educate the children of the poor in the great principles of Christianity, and to find them suitable employment when of age; a reduction of the number, and to introduce better regulations in liquor shops and public houses; to clear the streets, as far as possible, of prostitutes, and thus hide if not prevent the dreadful evils of prostitution; to introduce more labour, more classification, and better discipline in our prisons; to modify the law, enacting more solitary confinements and hard labour, which thieves dread much more than death, that its punishment may be duly inflicted, and to appoint a more efficient police, with a view as much to prevent crime as to punish it when committed; to stop the circu-

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lation of Sunday newspapers, and enforce the laws respecting the Sabbath, and attendance on divine worship; to find employment for the poor generally, and especially such as have been convicted, and have no means of support; by some plan similar to the Refuge for the Destitute, by which the involuntary and unfortunate criminal would be distinguished from the wilful and idle offender. This would afford the unfortunate the means of return to society, and hand over the incorrigible to due punishment. For want of this, many return to crime, who would not otherwise have done so. I have known one woman committed on this ground 12 or 15 times.

In the causes which have led to crime of late years, has great distress tended to it?—I have no doubt of it; I have met with several instances where crime seems to have originated in real distress. Such persons have told me, that they have applied to the overseers of their parish, who have sent them away with little or no relief, and ordered them not to apply to them again, which is no uncommon case, but which is attended with very bad effects.

W. D. Evans, Esq. made the following Statement.

W. D. Evans, Esq. again called in.

I ONLY recollect three cases of execution for stealing in dwelling houses in Lancashire; one in 1789, before Mr. J. Wilson; the prisoner brought his father to swear a false alibi. Another, before Mr. J. Rooke, I think in 1806; it was clear that whoever had committed the larceny, had also committed a murder, for which the prisoner had been previously tried. The third, before Mr. J. Laurence, in 1808 or 1809; the prisoner was a servant; to avoid the detection of the felony, she set fire to a bed in her master's house, by which a child was burnt to death, and she was first tried for the murder. A case occurred in Suffolk, of Sarah Lloyd, in which Mr. Capel Loft took a great interest; her sweetheart had set fire to the house at the time of committing the felony. A case also occurred in Yorkshire, before Mr. Justice Rooke, in which it appeared upon the trial, that the prisoner had been studying Burn's Justice upon the subject of burglary, and in consequence avoided committing the offence until after day-light. I have been chairman of the Manchester sessions, and have kept a register of the persons tried there, including those who have been soldiers and sailors, for felonies; the proportion of those tried, who have been soldiers and sailors, is about three per cent since the Peace.

Edward Forster, Esq. called in; and Examined.

Edward Forster, Esq. (30 March.)

YOU are a partner in the house of Lubbock, Forster and Co.?—I am.

Have you any experience of the effect of the severity in any of the criminal laws, as deterring prosecutions or preventing convictions?—Yes.

Will you be so good as to describe to the Committee what that experience is?—I certainly, in general, might say, that I have heard of several cases, but I will only mention those I can authenticate. The first I should mention is the case of a forgery where the criminal was in custody, but the prosecutor being unwilling to prosecute, on account of the offence being capital, a hint was given, that the best way to avoid proceeding would be to destroy the instrument; in order to do this, another person was introduced to the magistrate, as a friend of the prisoner, desirous of seeing the check, which being shown to him he snatched away, and threw it into the fire; this was done with the connivance of the prosecutor, as I said before, because the offence was capital; had the offence not been so, there is no reason at all to believe the prosecutor would have connived at such a scheme.

What was the station and occupation of the prosecutor?—Very respectable. Another was a forgery to a very large amount, 1,500*l.*; the forger and the utterer were both in custody, and actually committed for trial, but no prosecution did actually take place; this was entirely because the offence was capital; had the punishment been ever so severe, short of death, no endeavour would have been made to save the offender; there were no particular circumstances that called for mercy, and it was merely on account of the offence being capital.

Would not the prosecutors, if that had not been the case, have thought it their duty to use every exertion in their power for the conviction of the party?—Certainly.

The Committee understood you to intimate, it was an aggravated case of forgery?—There were no extenuating circumstances. I have another instance, which occurred not long since in a public institution which was lately robbed, and

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and the criminals apprehended, and when a meeting was holden to consider the propriety of prosecuting, a magistrate, a man of great discretion and judgment, stated to the rest of the committee the duty of prosecuting very forcibly and properly, but when he had done so he asked what was the value of the goods stolen, whether it was more than 40*s.*, that if it was he would have nothing to do with the prosecution; this sentiment was universal in the meeting, and it was only on the officer of the institution, whose particular business it was to prosecute, undertaking that the indictment should be laid under 40*s.* that the prosecution did take place.

Was it a numerous meeting?—There were about eight, I think; it was a sub-committee; but the sentiments would have been the same if it had been brought before the whole.

Where those eight individuals persons of respectable condition?—Certainly, all of them; in consequence of which the offenders were convicted, and are now under sentence of transportation; had it been a capital offence they would now have been at large.

This was larceny in a dwelling-house?—Yes.

In the cases mentioned by you, were the persons who declined to prosecute of different persuasions and occupations?—All of them; one was a clergyman, one was a quaker, one was a banker, one was a merchant, and another was a tradesman; they were of all different occupations; these cases occur every day, but I have no others I can particularly authenticate; we continually hear of forgeries, and we hear of the criminals being taken, but we hear no more of them. I have heard of cases from solicitors, where a great deal of trouble has been used to prevent a prosecution going on.

From your experience as a banker, do you believe that a great many prosecutions for forgeries are prevented, from the circumstance of it being capitally punished?—No doubt of it.

Do you think, in nine cases out of ten, where forgeries are committed, prosecutions do not take place, in consequence of the severity of the law?—It is a difficult matter to say the proportion, but the proportion is undoubtedly very great.

Do you think to the amount of one half?—I have no doubt of it; probably more than that.

Is there a general indisposition prevalent, among the classes of persons you know, to carry into execution the laws upon which you have adverted?—I think there is.

Do you believe the crime of forgery would be in any measure prevented, if the punishment were mitigated?—I have no doubt a considerable number of more prosecutions would take place.

And consequently more convictions?—Yes, certainly.

Would not there be much less chance of escape?—Yes; I should think hardly any chance, except from particular circumstances of friendship; but no chance with strangers.

You think there is great reluctance to prosecute now?—Yes.

Do you think there would be any reluctance to prosecute in cases of forgery, if the punishment were less than death?—I think none.

William Fry, Esq. called in; and Examined.

William Fry, Esq.

YOU are a partner in the house of Fry and Chapman, bankers?—I am; I believe I can state to the Committee four cases that have come under my own notice, in which the crime was clear, and the conviction would have been inevitable; but they were not prosecuted on account of the consequences resulting in death; the one was a country banker, who lodged a 2,000*l.* forged acceptance; it was inquired about as far as the respectability of the accepter went, and the answer was, that it was undeniably good; before it became due the man who lodged it failed, the accepter was applied to about his acceptance, and came to London, and saw it, and declared it a forgery; the parties in whose hands it was would not have hesitated a moment in prosecuting, except for the consequences which would have followed. Another case of the same nature was with a friend of mine, who was paid by a forged acceptance, for, I believe, six or seven hundred pounds; he was most anxious to prosecute the man for the forgery; he got him taken up at the Gloucester coffee-house, in the mail coming from the country; he was lodged in Cold Bath Fields prison,

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ironed, and brought up before the magistrates in Bow-street, and there committed for further evidence; in the mean time the same man told me, that the children of the person so taken up haunted him in his bed, and that he could not go on to hanging him. The parties all met in Bow-street for the final examination, to the number of four or five; I saw them there myself, and I saw them stay out of the room while he was taken in before the magistrate, and his irons struck off for want of an appearance against him, when every one would have done every thing to have convicted him, if the punishment had been any thing short of death.

Were all those persons quakers?—None of them. Another case was a check presented at the counter by the servant of the man whose name was signed to it; the cashier doubted the truth of the signature, though he knew the man was the servant of the supposed writer of it; the man went away to bring his master to prove it was his writing, but did not return again of course; the master came, and identified that the check was not his writing, and was most anxious to prosecute; but that check was destroyed to prevent it. Another case was of a country banker, who had suffered with many others by forgery; and a bill, I hardly know how, got into my possession; he was afraid from what passed of being compelled to prosecute; he was a quaker, but his clerks were not; consequently it was nothing of that ground; he made various efforts to get the bill from me, and various people on the other hand took pains to prevent his getting it; at last he brought a friend of mine to my own private house, to charge me with holding his property from him. As it was not really my property, I engaged to give it him at half past nine the following morning. I was in the country, and the bill was in London; he came to the counting-house before the time, and informed the cashier that I had engaged to give him up the bill; it was produced with several others, and they had conversation respecting it; the cashier endeavouring to urge upon him the necessity of his prosecuting induced him to snatch the bill up, put it in his mouth, and eat it before I got to town; he eat it that he might not be compelled by his clerks to prosecute.

Have you heard it often said, that country bankers are deterred from prosecuting for forgeries, lest those prosecutions might endanger the credit of their establishment, and the currency of their notes?—I know it by a very recent case, which has occurred within the last three or four months. A country banker told me a man was in their town pencilling their notes; that they had paid two or three; that they had their eyes closely upon him, but that he was so artful, they had not yet had an opportunity as they thought sufficiently of convicting the man under it.

Was not their inducement rather to detect the man more effectually?—Yes.

The reason why they did not prosecute in the first instance was not from the fear of affecting their credit?—No; but they paid the notes for fear of affecting their credit. I know of another country banker, for whom we paid one of those pencilled notes, and who gave orders to pay such as came in, for fear of their credit being affected; they took the man up; the conviction was not pressed; but he went abroad to avoid the consequences of the law by agreement with his friends.

Do you think that the reason why forgeries of country bank notes are much less frequent than forgeries of bank of England notes; is the small sphere in which those country notes move and their quick return, which facilitates detection?—Entirely so.

Do you think it is any difference in the fabric of the note that renders the country notes more difficult to be copied than the bank of England notes?—I should think not.

What is your opinion of the probability of exceedingly increasing the difficulty of forging bank notes, by an improvement of the fabric?—I have no doubt it would, as far as it went, prevent it; but the bank must be very ingenious in their notes to prevent it.

Have you ever considered that subject?—I have seen a great many of the specimens upon the subject, but not understanding engravings, I cannot say much to it; I have thought if they invented an expensive mode it would prevent it in part.

Have you any similar experience with respect to any other crimes against which the punishment of death is denounced?—I think not.

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Do you think there is a decided reluctance to prosecute in cases of forgery at present?—A decided reluctance.

Do you think that reluctance would almost entirely cease if the punishment was less than death?—I think it would entirely.

Do you think that you, as a banker, would be more secure in your property if the punishment was mitigated?—Much more so, if it was so mitigated as to become certain in its consequences.

Do you think, in nine cases out of ten, you have known of forgeries, there has been an indisposition to prosecute?—There has.

Do you mean those observations to apply to persons of different occupations, characters and opinions?—I mean it applicable to the general feelings of the community.

Basil Montagu, Esq. called in; and Examined.

Basil Montagu, Esq.

THE Committee wish to know what part of your extensive observations of the administration of the criminal laws you are now ready to communicate to the Committee?—I am ready to communicate any thing and every thing I know, that they think proper to request of me. From the moment I received the summons of the Committee to attend, I have applied all my spare time in endeavouring to compress the scattered information which I possessed upon this subject, in consequence of my reflection upon it, for, I rather think, upwards of twenty years; whether the whole of the impressions on my mind ought to be imparted to the Committee, or whether I ought to confine myself simply to such few facts as are within my knowledge, from my observation of the practice in bankruptcy, it must be for the Committee to determine; but I wish to answer again, that I consider the request of the Committee a command which I am ready in any mode to obey.

What has been the result of your observations with respect to the effect of severe laws in repressing crimes?—I conceive, that for certain offences severity is extremely injurious; but it appears to me, that there are two circumstances very deserving consideration. First, that there should be for certain crimes a diminution in the severity of the punishment; secondly, that there should be in all cases, where it is practicable, a diminution in the expense and delay attendant on prosecutions. With respect to the first, as to the punishment of death, there seems to have been in all times, and I suppose in all times will be, a very general supposition, that severe legal enactments, without duly poising them with the moral and religious sentiments of the country, have a tendency to prevent crime. When it appears that such an opinion has always been prevalent, there must, I conceive, be some truth for the support of it. When we see how inefficacious severity has always been, it appears as clearly, I conceive, that such opinion is fraught with error. It seems therefore to be absolutely necessary rightly to distinguish the boundary between truth and error. I lament that I have not had more time to arrange what has occurred to me upon this most important subject. When we look back upon past ages, and indeed present time, to many parts of the world, we see that torture of every description which ingenuity could devise has been inflicted by men in authority upon his offending and unoffending fellow creatures; we see there has been, and perhaps at this moment may be, burning, breaking on the wheel, impaling alive, crucifixion. With the permission of the Committee, I will state a few words from my Lord Auckland's work, where he says, in page 22: "In some countries it hath been usual to sew up criminals in the warm skins of beasts, and in this condition to expose them to wild dogs; in others the limbs are torn asunder by horses; in others recourse is had to crucifixions, burnings, boilings, flayings, famishings, impalements and other modes of destruction equally shocking to decency and humanity." There are also a few words in Beccaria, which I will read: "Is it possible, without shuddering with horror, to read in history of the barbarous and useless torments that were coolly invented and executed by men who were called sages? who, I say, can without horror, think of their being torn to pieces with slow and studied barbarity, by men endowed with the same passions and the same feelings." I find every where instances of the same kind in the early part of the Christian era. It is stated in scripture, "They were stoned, they were sawn asunder, were tempted, were slain with the sword." Torture has properly been abolished in most parts of the Christian world. Will the Committee permit me to call their attention, as a proof of the general attachment to severity,

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and the reluctance with which the public consented to the abolition of torture in Russia. In the Annual Register for 1780, page 155, it is stated, "Although the sovereign of Russia is absolute in the most unlimited sense of the word, yet the prejudice of the Russians respecting the necessity of torture, were so deeply rooted from immemorial custom, that it required very great circumspection in the Empress, not to raise discontents by an immediate abolition of that inhuman practice; accordingly, the cautious manner in which it was gradually prohibited, discovers as much judgment as humanity. In 1762, the Empress soon after her accession to the crown, took away the power of inflicting torture, in order to extort confession, from the inferior justices by whom it had been shamefully abused. In 1767, a secret order was given to the waywodz or judges in the several provinces, that whenever they should think torture requisite to force a criminal to confession, they should draw up the general articles of the charge, together with the proofs, and lay the case before the governor of the province for his consideration; and all the governors had received previous directions, to determine the case according to the principles laid down in the 10th chapter of her Majesty's instructions for a new code of laws, wherein torture is proved to be both useless and cruel; this therefore was a tacit abolition of torture." I have, I must confess, been at a loss to discover why torture was ever abolished, if the principle is right, that severe legal enactments must tend to prevent crime; unless indeed it is admitted, which admits every thing, that the moral and religious sentiments of the country are from time to time to be taken into consideration. This did not escape Sir William Grant, the late Master of the Rolls, who in a speech, which I shall think one of the many instances of good fortune in my life, that I was present and reported; it did not escape him, who in his speech on the subject, says, "If intimidation will prevent crime, why should not the terror of death attend the most trifling offences; why stop at the terror of death for any offence?" Upon the same principle, that is upon the opinion of the efficacy of severe enactment, I conceive capital punishment to be founded. First, because it is impossible upon any other supposition to account for the number of capital punishments for offences of such different malignity; from the great crime of high treason, to what relatively I shall call a small crime, the stealing twelve-pence privately from the pocket, which for this purpose I shall consider to be an existing law. Secondly, all the reasonings in favour of capital punishments, of all the different persons who have ever written or spoken upon the subject, assume this principle; they are all founded upon it. I find that different law officers have, at different times, stated their opinions, founded upon this supposition; the Recorder of London and the Common Serjeant being asked, in the year 1811, whether it was adviseable to take off the capital punishment from shop-lifting:

"*Question.*—Is it adviseable or safe to take off the capital punishment from shop-lifting, stealing from ships, &c. in canals and navigable rivers, &c. and from a dwelling-house without breaking, and without being a burglary?"

"*The Recorder.*—I certainly do not think it adviseable to take off the capital punishment in the three cases alluded to; viz. stealing to the amount of 40 *s.* in a dwelling-house; the stealing goods to the same amount, on a navigable river or canal; and the stealing goods of the value of 5 *s.* privately in a shop. But whether any and what alteration should be made, as to the amount of the value of the goods stolen, might deserve some consideration."

"*The Common Serjeant.*—I am fully convinced, that the repeal of the 10 and 11 of W. III, and of 23 and 24 of Geo. II, c. 45, would be very unadviseable and very unsafe; and in the present depraved state of the domestic, and other servants in the metropolis, I cannot possibly conceive any measure, more big with mischief to every private housekeeper, and to every tradesmen, than the lessening the severity of the 12 Anne, stat. 1, c. 7."

It is impossible to read these answers, I conceive, without seeing the principles upon which they are founded, and the erroneous conclusion respecting the alteration of the amount; for if the opinion be right, why should the sum be lessened? as the effect of the punishment must be greater, the less the temptation to commit the crime; and if the moral and religious sentiments of the community are to be considered, it admits every thing. I observe also the same opinions have been given before another Committee, the report of which contains some evidence to which it may possibly, if it be consistent with practice, be expedient for this Committee to refer. I find that the Recorder, upon being interrogated

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interrogated as to the cause of the numerous offences, states, "Another cause of increase, I am very free to say, is owing to the capital part being taken off from the privately stealing from the person; that offence has increased beyond conception in large gangs." He then states, in answer to the following question—"You have stated to the Committee, that you think that taking away the capital part of the punishment from privately stealing from the person, in point of fact, has a tendency to increase the number of offences; do you think that the lenity with which the capital punishments in this country have been executed, has equally that tendency?—Yes, I do; it is a melancholy thing to say."—Of the correctness of this conclusion I could without difficulty satisfy the Committee; but I now state it, merely to show the opinion entertained of the efficacy of severe laws. It may perhaps be important to the Committee to know, and I lay so much stress upon this subject, because I conceive it to be the source of all the erroneous opinions respecting it. It may be important for the Committee to know, that there have at different times appeared different works recommending torture, one of which appears to me to be extremely curious; it was published immediately after the act making it a capital offence to steal, I think, five shillings from a shop. It is a work from which I will read a very few extracts. It was published in 1701, intituled, 'Hanging not Punishment enough for Murtherers, Highwaymen and Housebreakers.' "My opinion is, that the present laws that relate to murtherers, highwaymen and housebreakers, are too favourable, and insufficient for the end they are intended. I am sensible that the English clemency and mildness appear eminently in our laws and constitutions; but since it is found that ill men are grown so much more incorrigible than in our forefathers days, it is not fit that good men should grow less merciful to them, since gentler methods are ineffectual. I acknowledge also, that the spirit of Christianity disposes us to patience and forbearance; insomuch, that when the Roman emperors began to grow Christian, we are informed that most capital punishments were taken away and turned into others less sanguinary. But I must beg leave to say, that they who show no mercy should find none; and if hanging will not restrain them, hanging them in chains and starving them or (if murtherers and robbers at the same time, or night incendiaries) breaking them on the wheel, or whipping them to death, a Roman punishment, should. I know that torments so unusual and unknown to us may at first surprize us and appear unreasonable; but I hope easily to get over that difficulty, and make it appear, upon examination, that that will be the more probable way to secure us from our fears of them, and the means of preserving great numbers of them, who now, yearly, by an easy death are taken off at the gallows. It is a rule in civil law and reason, that the punishment should not exceed the fault; if death then be due to a man who surreptitiously steals to the value of five shillings (as it is made by a late statute), surely he who puts me in fear of my life and breaks the King's peace, and it may be murthers me at last and burns my house, deserves another sort of censure, and if the one must die, the other should be made to feel himself die; for as the benefit of the clergy is of late taken from pickpockets, so they are now in the eye of the law upon the same foot with murtherers, highwaymen and housebreakers; their crimes are certainly unequal by the laws of God and the consent of nations; why then should not their punishment be so too? But still I am sensible, that though I argue for severity in general, we ought to be tender of shedding human blood; for there is such a consanguinity and relation between all mankind, that no one ought to hurt another unless for some good end to be obtained. But my design is not that man's blood should be shed, but that it should not; and I verily believe, that for five men condemned and executed now, you would hardly have one then." This is the first work I find upon the subject; and I conceive it impossible to answer the reasonings in it, supposing the principle to be well founded, and that the present law is just. I find another essay upon the subject, written by George Ollyffe, A.M. intituled, 'An Essay, humbly offered for an Act of Parliament to prevent Capital Crimes, and the Loss of many Lives, and to promote a desirable Improvement and Blessing in the Nation.' It was printed in 1731. With the permission of the Committee, I will read a few extracts: "Whereas such is the deplorable infatuation of an inexpressible number through the nation, amongst the idle, vagrant and loose tribe, that they are lost to every valuable principle, to all sense and thought of obligation and duty both to God and man, and scruple no mischief, either with

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regard to men's persons or properties, wheresoever they imagine they may extort any prize, and yet escape the lash of present justice. And whereas, notwithstanding the infamy and misery attending and ensuing executions, they are so proof against all the terrors thereof, as still to expose themselves to the utmost danger of meeting with the like fatal end as others before. And whereas, notwithstanding the great obligations this nation is under to our wise Legislature, for their particular care in several ages to provide suitable laws for the suppression of the most mischievous measures, according as they were or are newly invented or repeated by such hands, and with what moderation soever they have acted in allotting the several punishments, as to be as sparing as possible of criminals lives, and as tender, even in the greatest executions, as can be consistent with the loss of life, without enacting greater extremity of severity therein, which other nations have been forced to have recourse to; yet 'tis long visible how much such wisdom and moderation has been trampled upon, and those wretched creatures resolve, at all hazards of life, to run into the most capital crimes, that they force our kind and gracious Government to all the grief and pain of ordering their execution; all which is yet so far from being sufficient to melt or awe their stupified minds, that they rather, every age and year, grow more numerous and desperate. 'Tis humbly conceived it may be highly desirable, that there may be some method taken as may yet effectually curb such an ungoverned race. In the quick dispatch of men's lives, either by hanging, burning or shooting, whereby the sensation of the torture is in an instant extinguished, 'tis too often seen how little concern or fear is produced, even at the very time of execution; but an execution that is attended with more lasting torment may strike a far greater awe, much to lessen, if not to put a stop to their shameless crimes. The ancient method, of hanging such alive on gibbets till starved to death, was so tedious and disturbing within common hearing, that though, doubtless, it could not fail of raising a suitable terror, yet the tender and innocent part of mankind not being able to bear, it was thought requisite to lay aside. But there is a noted punishment, so much in vogue abroad, which is of the greatest service to restrain such hands, and that is breaking upon the wheel, by which the criminals run through ten thousand thousand of the most exquisite agonies, as there are moments in the several hours and days during the inconceivable torture of their bruised, broken and disjointed limbs to the last period. Or there is another way, which could not but make the most daring spirit fearful of running into the danger of feeling the severity thereof; and that is, (instead of dispatching them by a cord about their neck, &c.) by twisting a little cord hard about their arms or legs, which would particularly affect the nerves and sinews and the most sensible parts, to produce the keenest anguish, under which as there would be some time before they will expire, they will suffer the pain of many deaths in one." And then it concludes with stating: "If our wise Legislature would condescend therefore to be at the trouble of a single act for the forementioned regulations, as it may be no small embellishment of the present and succeeding ages, in the degree of favour which it may please God in general to vouchsafe thereto, where a change may be attained and continued; so it would be beyond measure transporting, if it may be attained with a suitable effect on those who are particularly concerned therein." And I conceive, upon this principle, it is impossible to answer those arguments. The last tract upon this subject was, I am ashamed to state, in the year 1812. It is a work that I have sought for to produce to this Committee; but I have sought in vain, it is not to be found. It was in a military magazine; where the author, after having stated the horrid murders with which the city has been disgraced, alluding to the murders of Marr, and other murders about that time, says, we shall produce a remedy for the evil, and furnish a precedent in support of the measure we are desirous of introducing. "In the year 1653, a malefactor was thus executed at Ghent; he was drawn from the prison to the place of execution, where his body was placed upon the scaffold displayed and fettered, the hammer and knife being bound about his neck; six gobbets of flesh were torn from his body with burning pincers; his arms and legs were broken upon a wheel, and the murderer was then burnt to death; his body was next quartered and deposited upon the rack which had been used for his torture, and was raised upon a pole close to the gallows." Upon the same principle, other works have appeared recommending not torture, but the strict execution of the existing law. Of these it will be sufficient for me to mention

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mention a work known to us all, and out of which (it is a pleasing reflection to think how truth arises out of error) it is very probable the present inquiries have originated, and that this Committee is now sitting; I mean Mr. Madan's celebrated work, intituled, "Thoughts on Executive Justice;" it was published in the year 1785. In the year 1786 it was answered by a friend of ours, whose name I cannot mention without that feeling of respect, with which I am sure we all recollect him. It was answered by Sir Samuel Romilly. I heard him state, the first time he mentioned the subject, that such an impression had been made on his mind in the early part of his life, that he had resolved if ever an opportunity should offer, that he would avail himself of that opportunity to state his sentiments for the consideration of this intelligent and humane country. It is curious to see in his answer, how little alteration was made in his mind during the long interval between that publication and the time when he first agitated this question in Parliament; his answer to that work is also well known. When I have mentioned these various works, as commending these cruelties, I hope I may be permitted to rest my mind, by stating, that it must not be supposed that knowledge and Christianity were silent during this period; the alteration of the punishment of death was recommended by the two friends, Sir Thomas Moore and Erasmus; and by the two rivals, I had almost said enemies, Sir Edward Coke and Lord Bacon; I think, therefore, I have proved that this opinion is entertained in society, that *severity of punishment has a beneficial effect*; there will be no difficulty in accounting for this, if, at any future time, it should be the pleasure of the Committee to call upon me so to do. This opinion is, I conceive, radically erroneous; and is the cause, as I conceive, of the erroneous feeling in society, and the relaxation in our sentiments with respect to crime and punishment. This is a question upon the power of human punishment. There is a short section upon this in Sir William Blackstone's Tracts; but the whole, and all the reasoning upon it, must come to what has been stated by Sir William Grant, who says "it is not by the fear of death, but by exciting in the community a sentiment of horror against any particular act, that we can hope to deter offenders from committing it; and although the threat of death may tend to increase this horror, when it is in conformity with the public sentiment of the crime, it must be remembered, that when it is in opposition to this sentiment it may have a tendency to diminish it. If intimidation could prevent crime, why should not the terror of death attend the most trifling offences? Why stop at the terror of death for any offence?" That this opinion of the efficacy of severe laws, is erroneous, I will endeavour to satisfy the Committee; first, from such facts as have occurred to me; and secondly, I think there is not the slightest difficulty in showing, from the recognized principles of the law of England, that *a priori* it must be so. First, I say, in fact, severe penal enactments do not tend to prevent certain offences; the best mode of trying this, the sort of test would be, to take a crime pregnant with the most serious evils to a commercial country, and which has been always punished with almost indiscriminate severity; I mean the crime of forgery in England. It appears that the number of forged one pound notes for a series of years is as follows:—In 1814 they were 10,342; in 1815, 14,000 and upwards; in 1816, 21,000 and upwards; and in 1817, 28,000. I hope I may be permitted to call to the attention of the Committee, the practice now prevailing with respect to the effect of severe laws in forgery, by which I see, day after day, that capital enactments are used as engines to induce persons to confess themselves guilty of the minor offence, without any trial at all, upon a confession obtained under circumstances, which, except upon a plea of guilty, would not be evidence. There is another crime of great importance in this commercial country; I mean the crime of concealment and embezzling property, the frauds in bankruptcy; it is scarcely possible to imagine the extent of these crimes. I published a tract sometime since, in which I explained, that there were regular houses where people could be procured at a per centage, who had old bill stamps and old deed stamps, upon old paper, to any amount, to prove debts under commissions, all of which involve capital offences in the bankrupt; I suppose there is scarcely any person who has seen so much of this species of capital felony as myself, and I am satisfied, that it is carried to such an extent as to set the whole law at defiance. I beg on this subject, to refer to my examination before a Committee of the House of Commons on the bankrupt laws, on the 11th of February 1818, in which I

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endeavoured to explain the state of the law, and its inefficacy in the respect to this crime; I stated and I repeat the act, 5 Geo. II, passed in the year 1732, since which time there have been, I conceive, at least 38,000 bankrupts; for taking the average from 1732 to 1786, at 250 a year, the number of bankrupts during those years will be 13,200; the actual number of bankrupts from 1786 to 1805 was 16,200, taking the present average to be 800 each year, which is much below the number, that will be 3,200; the total sum from 1732 till 1810 was 32,600, supposing the average from 1809 to 1819 to be 700 per annum, which I believe is below the mark, there will be 6,300, making the total number 38,900; I believe I have taken each of the averages much below what they ought to be computed. During this time, that is for near a century, with nearly 40,000 bankrupts, I doubt whether there have been ten prosecutions; I believe there have been only three executions, and yet fraudulent bankrupts and concealments of property are proverbial, are so common as to be supposed almost to have lost the nature of crime. With respect to the fact, as to a severe law not preventing larcenies from a dwelling, shoplifting and picking pockets, as returns have been made to the House, I conceive there will be no necessity for me to repeat them; if it is the wish of the Committee that I should, I will do it at a future day. Such are the results from facts, by which it appears to me, that the punishment of death does not prevent certain offences; the reasoning appears to me to be as clear as the facts themselves; crime is prevented not solely by legal enactment, but by the joint operation of three powers: by the legal power, or the fear of punishment awarded by the law; by the moral power, the fear of the censure of the community; and by the power of religion, the fear of religious censure. Upon duly poising these, the efficacy of all laws, I conceive, depends, when these powers unite, their effect is the greatest possible; they unite in awarding the punishment of death, as I conceive, for murder, for rape, for unnatural crimes, for treason; they unite in many cases where the punishment is not death, for swindling and receiving stolen goods; for another crime, for which indeed no legal punishment is affixed at all, the crime of incest; I conceive, that very few persons in the community would hesitate to give efficacy to the different punishments annexed to these different crimes; their names and the crimes are never mentioned but with detestation, because our feelings are not outraged by any improperly severe punishment being associated with them; when these powers oppose each other, tho efficacy of the law is proportionably diminished; they oppose each other in the case of bankruptcy; they would oppose each other in a law which has existed in our own time, in annexing the punishment of death for breaking the head of a fish pond; they oppose each other in duelling, and the law has become almost a dead letter. I wish to state, that the whole of this reasoning upon the subject is Mr. Bentham's; a very few words of whose work, I, with the permission of the Committee, will state; he says, " for the sake of holding up the efficacy of certain moral forces, the influence of which is not apt to be sufficiently attended to. Does the political sanction exert an influence over the conduct of mankind? The moral, the religious sanction do so too. In every inch of his career are the operations of this political magistrate liable to be aided or impeded by these two foreign powers, who, one or other of them, or both, are sure to be either his rivals or his allies. Does it happen to him to leave them out of his calculations? He will be almost sure to find himself mistaken in the result. Of all this we shall find abundant proofs in the sequel of this work. It behoves him therefore to have them continually before his eyes; and that under such a name as exhibits the relation they bear to his own purposes and designs. To show the importance of this consideration, there will not be any difficulty in diminishing the indignation against any crime by an improper increase of the punishment; take for instance, rape, or any other horrid offence, let the punishment be torture or breaking on the wheel, or any other cruelties what it is easy to uncall; it appears to me to be obvious, that in the present moral and religious state of this country, there would be a reluctance to prosecute it, and a consequent diminution of the opinion of the atrocity, for as the sentiments of the country act upon the law, the law re-acts upon the sentiments of the country. From neglect of the consideration of the moral and religious sentiments, it has been a very common opinion, that the fear of death alone, without computing those sentiments, are sufficient to prevent the crime, which appears to me to be erroneous; I conceive

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I conceive it to be indisputable, that a moderate punishment, which the mind will consider a reality, because strictly enforced, and where the offender can find no sympathy, must be more efficacious than a severe punishment which the mind will consider an idle threat, because it is generally and systematically evaded, and the offender is conscious of the pity of the whole community. There is another very erroneous opinion, I conceive, that crimes are prevented by the cool calculations of the consequences of them upon committing any act; I hear this daily stated, and I have certainly once, I think more than once, heard it stated during the sitting of this Committee; it is stated in a few words in Mr. Madan's book, in page 36, where he says this; "Some years ago, when a friend of mine went the Norfolk circuit, he accidentally had occasion to see a fellow who had been capitally convicted, and having received sentence of death, was remanded to prison; it seems he had been an old offender, and before had had some hair-breadth escapes for his life; my friend expostulated with him, and asked him, how he could venture again on his old practices after so many escapes? "ah, Sir," said the fellow, "that is the very thing, there are so many chances *for* us, and so few *against* us, that I never thought of coming to this. First," said he, "there are many chances against being discovered, so many more that we are not taken, and if taken, not convicted, and if convicted, not hanged; that I thought myself very safe, with at least twenty to one in my favour." I conceive that all the reasonings upon this are erroneous; I say, if men were to calculate, and our actions were generated by calculations, I think even in the present state of the law, they would not commit the crime; they would be deterred by the fear of the minor punishment, although they knew the greater punishment would not be inflicted. It has been said, and as it appears to me unanswerable upon this supposition, that if men calculate the consequences of their actions, the addition of the threat of death to the certainty of transportation, must have a greater effect than the mere certainty of transportation; it has been so said. It appears to me that men do not so calculate, as may be easily seen by considering any act from which persons immediately abstain; I would illustrate this by incest or any other act of the same nature; I say it is not by such calculations, but by the immediate involuntary impression on the mind, that men are restrained from the crime. Crimes proceed, not from reason, but passion, and by passion they must be prevented, which is, by keeping up in the community a sentiment of disapprobation of the act, and in the person disposed to commit it, a tendency immediately to recoil from the thought without any calculation at all. I have no doubt that a banker's clerk, who was tempted to commit an act of swindling, would from such a feeling of disapprobation in the community instantly recoil from it, but from feeling the pity and kindness which is felt for persons who commit a much greater crime, the crime of forgery, he might begin to calculate, and if he did calculate, he would surely err. I conceive, therefore, it is quite erroneous to suppose either that the offender calculates, or that crimes are prevented by doling out certain measures, pain in proportion to the magnitude of the offence, with the total neglect of all our sympathies. Such then is, I conceive, the proof from fact and theory, that severe enactments, without also considering the moral and religious sentiments of the country, must be inefficacious. I will, with the permission of the Committee, apply these facts and this reasoning, to the case of bankruptcy, and the other cases I have mentioned, I mean forgery and larcenies without force, by which I think it must appear that such crimes cannot from our nature, and the nature of things, be at this time, in this country, prevented by these enactments. With respect to bankruptcy, may I beg to refer the Committee to the examination of Sir Samuel Romilly, which will be found before the Bankrupt Committee, in page 51, where he states, "The nation, however, has been so far from adopting this severe disposition of its Government, that it scarcely ever happens, that persons can be found who will institute prosecution for felonies under the bankrupt laws. Very numerous instances might, I believe, according to information which I have received from various quarters, be laid before the committee of creditors, who have deliberately resolved to allow bankrupts, by whom they had been grossly defrauded, to enjoy complete impunity, because they saw no other alternative than such impunity, or the certainty of shedding their blood. That men should feel great repugnance to put a human creature to death for such an offence cannot surprize, those who have reflected what the nature of the crime really is. Whatever the language of the

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law may be, or whatever national expediency may be thought to require, the great mass of mankind never can be brought to regard as highly criminal that which is not to a great degree immoral; and when it is considered, that by our law a bankrupt is made such against his will, it is evident that the only immorality of one who has secreted none of his property, but who does not surrender to his commission, is, that he witholds from his creditors the information and assistance which he ought to afford them, to enable them to recover his effects, and to apply them in satisfaction of their demands; and even this immorality may find some extenuation in the disgrace to which he must be subjected, and in the danger to which he is exposed, since however honestly he may have acted, and though every thing he has in the world be given up to his creditors, yet if he do not obtain his certificate he may be imprisoned for life, by any one creditor who will prefer gratifying his resentment to any benefit he might derive from the commission. That a man has not fortitude enough to encounter so much shame, and such a risk may be culpable; but who can upon calm reflection say, that it ought to be punished with death. The crime of withholding property from the creditors is indeed much more immoral; but even this, in the case of one who has been made a bankrupt without his own concurrence, amounts in reality to nothing more than the not paying (to the extent of the property withheld) debts which it is in his power to pay. That this is criminal cannot be denied; but that it should be expiated by the blood of the offender, confounds all notions of justice and destroys all gradations of guilt; it is very dishonest, but it is not more dishonest in an obscure tradesman than in the heir to a title; and yet for this dishonesty, while our law hangs the tradesman, it suffers all other such debtors to enjoy complete impunity; nay, it not only leaves them unpunished, but it suffers them, in defiance of their creditors, to enjoy and to squander in gaol the substance which ought to be applied in the payment of their debts; for there is no process by which, in the case of persons not subject to the bankrupt laws, copyhold estates, property in the public funds, or money lent upon security, can be taken by creditors in execution." I beg also to refer to my own examination before the Committee, (in page 21) in which I state as follows: "I submit to the Committee, that the legal sanction is in this case opposed by the moral sanction; the amount of the moral guilt of the bankrupt is the non-payment of his debts, or the non-delivery by him of his property to his creditors. Of the immorality and impropriety of this no doubt can be entertained; but I conceive that there is scarcely any person in this intelligent community, who will think that a man ought to be put to death for the non-delivery of his property; particularly, when it is remembered that the offender is not the only person to blame; there must be a feeling in the community, that the imprudent confidence reposed by creditors is not wholly exempt from censure. It appears to me that the religious sanction also is in this case at variance with the legal sanction. Our religion is daily inculcating upon us mildness and forbearance; as Christians we are taught (except for the most atrocious and bloody offences, and even then with sorrow) 'not to desire the death of a sinner, but rather that he should turn from his wickedness and live;' and we are particularly taught to forgive our debtors as we ourselves expect forgiveness. For these reasons it appears to me that the existing laws are wholly inoperative." There were various persons who were examined before the Committee upon the same subject, all of whose opinions expressing their disapprobation of it, will be found in the examination; and the Committee on that occasion have reported that the law is injurious.

JAMES BARNETT, Esq. a Member of the House.

James Barnett, Esq. (2 April.)

YOU are a partner in the banking-house of Hoare, Barnett and Company?—I am.

How long have you been engaged in business?—Five-and-thirty or 40 years.

What experience have you had of the effect of capital punishment in the case of forgery in discouraging prosecutions?—My general remark has been, that it goes extremely to discourage prosecutions; in a variety of instances I have had a knowledge that it has been so; there is scarcely a year passes over without something of the kind. I do not speak so much of myself as of persons in general.

Have some of those cases been of considerable amount?—Some of the forgeries have been to a considérable amount.

Have

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Have some of them been forgeries attended with aggravated circumstances?—I cannot exactly speak to that question.

Have many of them been such as bankers in general would have felt no unwillingness to prosecute if the punishment had been other than death?—I should think a prosecution would have taken place in almost every instance, if the punishment had not been death.

Do you ascribe the small number of convictions for forgeries of private persons very much to that cause?—Yes; my opinion is, that the prosecutions are very much reduced on that account.

You are of opinion, the crime is much more frequent that it appears to be from the criminal returns?—Yes, I am of opinion, that in a great majority of the cases, the crime passes unpunished in consequence of a reluctance to prosecute.

Do you happen to have had any experience with respect to other offences?—Not particularly.

You feel quite convinced, that if death were not the punishment, the prosecutions would be much more numerous?—Yes, and more effectual.

Are the Committee to understand you to say, that in your opinion, the punishment of death is the great cause of the impunity of forgeries?—I am convinced that the punishment of death prevents prosecution; and that it has a tendency of course to increase the crime.

Is the same impression, in your opinion, common to many bankers?—I have not been in the habit of speaking much to bankers upon the subject; there are bankers who hold different opinions, but I believe that is very much the opinion entertained by the public.

Mr. *Francis Hobler*, called in; and Examined.

Mr. Francis Hobler.

YOU are clerk to the Lord Mayor?—Yes.

How long have you held that office?—As principal clerk, about 14 years.

How long have you been in the office?—Altogether, in the Mansion House, upwards of thirty years.

Have you had any experience of the effect of the punishment of death in discouraging prosecutions for certain offences?—I cannot say any thing positively; my opinion is, that prosecutors cautiously avoid giving such valuations to goods as will make it a capital offence, and do every thing of that sort which they can; that is an universal observation of mine.

That is an universal observation made by yourself?—Yes; and the magistrates frequently find fault with it, saying you are to do your duty; the consequences are not with you; that is the law.

You now speak of the offences in which the degree of punishment is regulated by the value of the article stolen?—Yes; or by being, what are called burglaries, breaking of a window, and so on.

Does your situation give you particular facilities of knowing this?—I attend the Lord Mayor every day; I have not been absent a day for years; I commonly make out all the commitments.

In a case of burglary, are the Committee to understand, that prosecutors show an anxiety to describe the offence in such a manner as not to make a burglary?—I do not know as to burglary particularly; the general avoiding is in the value of articles, as to the stealing to the amount of 40*s.* in a dwelling-house, a crime made capital by the value, or 5*s.* privately stealing in a shop; they say a thing is not worth 5*s.* which they would charge 20*s.* for.

Before the capital punishment was taken away, for stealing privately from the person, did you observe the same feeling?—No; I do not think parties were so much aware of the distinction as to privately stealing; but there is a great disposition to avoid prosecution on account of the waste of time, not of the expense, because that is not great, unless they employ counsel; but the attendance is very inconvenient.

Those are circumstances common to all prosecutions?—Just so.

But you consider, in addition to that, that there is a reluctance to prosecute capitally?—Yes.

That is the result of your experience, in the course of thirty years, and you have often heard the magistrates mention it?—Yes.

Can you mention any other offences, as to which you have observed the same reluctance?—No; some offences strike upon the feelings so much, that a man would prosecute at the moment, though he might be reluctant on further consideration;

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consideration; but there are some cases, certainly, in which persons are very reluctant to prosecute.

You allude to offences against property?—Yes.

Have you observed any thing with respect to a great disinclination in the case of forgery?—There is very often a disinclination in the prosecutor, but I ascribe that more generally to the loss of time; the other must mix with it where a fellow creature's life is at stake; there is of course a mixture of that consideration. A great many cases of forgery have been sent to trial that never appeared before the public; there were no bills found, no doubt owing frequently to the reluctance of persons to give evidence.

Of the number of persons committed for forgery, you state that there are many, the bills against whom are thrown out, notwithstanding the clearest evidence before the magistrate?—Yes; something must have passed, of which the magistrate knew nothing, which has actuated the grand jury to throw out the bill; an exclamation has been uttered upon hearing that the bill was thrown out, but nobody has known how it was.

Is that of frequent occurrence?—Yes; particularly where the offenders have been respectable in life.

Does not it happen that the prosecutor withdraws a witness sometimes?—I do not know how it has occurred; it has happened that the check has been lost, or in a variety of ways, but the recognizance has been got rid of; it is supposed they have prosecuted in the best way they could.

Where bills have been found, have you known many cases of acquittal for want of the appearance of witnesses on the trial?—It is the magistrates duty to bind over every witness, whose evidence was necessary to making good the case, taking care of course not to burthen the party unnecessarily; the witnesses are there upon their recognizance; they must answer to the court for not being there, or for not doing their duty when they are there; but I do not attend the court; the magistrate sends the case, in his opinion, quite complete to justify the conviction; if the prosecutors do not do their duty, that is another matter.

Is the recognizance always estreated where they do not prosecute?—I believe that is very strictly attended to; it is forfeited to the sheriffs by charter or by grant.

Mr. *William Payne*, called in; and Examined.

Mr. William Payne.

YOU are clerk to the sitting magistrate at Guildhall?—Yes.

How long have you been so?—Nearly three years.

Were you connected with that office before?—Not at all.

During the time you have been clerk to the sitting magistrate at Guildhall, have you observed many cases in which there was a reluctance to prosecute persons charged with particular offences?—In many cases I have seen it, as well on the part of the prosecutor as certainly on the part of the magistrate; in this point of view, wherever the magistrate thought, after as strict an examination as could be made into the circumstances, that upon the recommendation of the prosecutor (an inquiry having been made into the character and situation of the party accused) he could with propriety, and consistently with the public interest, be permitted to be discharged with an admonition from the magistrate; there always has been, on the part of the magistrates of the city, a great anxiety to have such persons discharged rather than to commit them.

Have you known many cases of commitments which have not been followed up by the finding of a bill?—That does not come immediately within my province; we return the recognizance as a matter of course, after that it is a matter with the clerk of arraigns.

Have you observed an inclination on the part of prosecutors to lower the value of the thing stolen, with a view to render the offence other than capital?—Certainly, in many cases.

In regard to what offences have you known that?—More particularly with respect to stealing in shops and in dwelling houses.

Have you observed any instances of an anxiety in prosecutors to keep back circumstances that might constitute the offence of burglary?—I cannot say that that has occurred to me frequently; I have in one or two instances seen it; the circumstances that would make it appear a burglary was committed, are brought forward rather by the officer than by the parties themselves, who are generally ignorant of those matters.

Have

Have you observed any other capital offences for which persons are unwilling to prosecute?—I cannot say at the present moment that any occur to me; we have had but few cases of forgery; most of the cases which have come to Guildhall have been where the Bank have been prosecutors for uttering forged notes; we have had very few cases of forgeries on private persons. *Mr. William Payne.* (2 April.)

Have you had any cases of horse stealing?—We have had cases of horse stealing, where the parties have been convicted, two or three since I have been there, but they have been principally of this nature; a person has hired a horse with the intent, as it appeared, of taking it on a journey, and the jury have found that the original intent was to steal the horse, and we have had instances where parties have been taken with horses in Smithfield market, which had been stolen in other parts of the country, and in those instances the parties have generally come forward to prosecute; but there have been other instances within my recollection, where the parties have shown a disinclination to prosecute, particularly in a case I remember, where there was the relation of an individual who did not wish to appear.

Sheep stealing and cattle stealing are not often brought before the sitting alderman?—The only cases of that nature are where the sheep are brought to Smithfield market, to be sold there; the possession continuing, they can be prosecuted in one county or the other, and they generally prosecute them for having them in their possession there.

You have made no observations on cases of that nature?—None, that I can state with particularity.

Mr. *Samuel Yardley*, called in; and Examined.

YOU are chief clerk to the magistrates at Worship-street?—Yes. *Mr. Samuel Yardley.*

How many years have you been in that situation?—Nearly thirty years.

Have you observed in any cases of capital offence, a peculiar indisposition to prosecute?—I have frequently, when the punishment has been capital, excepting, I think, in cases of murder; I never discovered any reluctance then in either prosecutor or witness.

Be kind enough to mention the offences in which you have particularly discovered that?—In all cases where there was a chance of the punishment of death being inflicted, such as house breaking and stealing in a dwelling house to the amount of forty shillings.

Have you many cases of horse stealing at Worship-street?—Not many; they occur more in the country districts; sometimes an offender travels up to the London market, and then it is cognizable here.

Have you many charges of sheep stealing?—Not sufficient to enable me to form an accurate opinion.

Have you had many cases of forgery at your office?—Recently, within the last two or three years, we have had a great many cases of bank forgeries, but very few charges of private forgeries.

With respect to the crimes of stealing in a dwelling house, and shop lifting, have you observed that disinclination strongly?—Yes, very frequently, particularly where a female has been examined, she has said, "I hope it is not a hanging matter."

Have you observed a disposition so to state the fact of the case as to get rid of the capital part of the offence?—Yes, there has been generally a disposition of that nature; the magistrates has told them he had only to execute the law, and they must do their duty; where a positive value was attached to silver plate, or a watch, and so on, it could not be reduced, but there has been a general disposition to reduce it in all cases where it could be reduced.

Have you known that there were many cases of persons committed where bills have not been found?—I believe there have been a few; but whether that has been in consequence of any thing which has passed between the prosecutor and the prisoner's friends I cannot say; the case has appeared clear before the magistrates, there has appeared sufficient case to bind over the parties to prosecute, but it has failed afterwards, somehow or other.

Mr. *John Thompson*, called in; and Examined.

WHAT is your situation?—Chief clerk at the public office, Whitechapel. *Mr. John Thompson.*

How long have you held that office?—Ever since the establishment of the office, 26 years last August.

Mr. John Thompson. (2 April.)

Has it happened to you to observe any reluctance to prosecute, with respect to certain sorts of capital offences?—Yes, it very frequently does from humanity, and very frequently from the length of time they would have to attend; the question is very frequently asked, "cannot this be put under forty shillings."

Is that very frequent?—Very frequent, indeed.

That is in cases where the capital punishment depends upon the value of the thing stolen?—Yes.

Have you seen reluctance to prosecute in respect to any other capital offences, forgery for instance?—Not so much in cases of forgery, or things of that kind; I think there is not any reluctance in those cases.

Have you had, at your office, many cases of private forgeries?—No, chiefly Bank forgeries; I do not think we ever had four there during the twenty-six years.

Have you made any observation with respect to cases of sheep-stealing, horse-stealing, or cattle-stealing?—We have very few, scarcely any.

Have you had many cases of Bank forgeries?—We have had a great many, chiefly for uttering, it is a very low neighbourhood.

Do you find a reluctance to prosecute in those cases?—No, the evidence is generally taken down before it come to us, and reduced into writing, and is there copied by the clerk, or sometimes taken in chief by the clerk.

MATTHEW WOOD, Esq. & Alderman, a Member of the Committee.

Matthew Wood, Esq.

IN your experience as a magistrate, have you often observed prosecutors to be reluctant to prosecute, apparently from an unwillingness to bring people to capital punishment?—I think I may answer that by saying, that nine out of ten have expressed that reluctance; indeed I hardly ever found a truly willing or an anxious prosecutor; they would rather shrink from it than go on.

Do you refer to charges of capital offences?—Chiefly so.

And chiefly in cases of offences against property?—Yes; one instance I can speak to, the case of a charge of forgery against an individual; the prosecutor put the forged paper into his mouth and destroyed it, though it was to him a valuable consideration.

Have you observed that reluctance frequently in cases of forgery?—Generally in cases of forgery.

Have you observed that in cases of shop-lifting?—I have observed that in several cases, particularly in the case of a person residing in the Poultry; he and several others keeping public shops, were frequently obliged to appear against persons, being continually robbed, but they scarcely ever would prosecute if they could help it; the person never would have been brought up if they could have helped it, but being observed to commit the offence, he has been pursued and taken, and being put into the custody of the officer, the person whose property was taken could not avoid appearing before the magistrate; but in the larger number of cases to which I have before alluded, there was a refusal on the part of the person robbed to prosecute capitally.

Have you been frequently obliged, as a magistrate, to remind persons standing in that situation of their duty?—Yes; I have felt it a duty to the public to take care that the person should be punished, carrying along with me at the same time, the idea that the punishment would most likely not go further than transportation.

Have you observed the same unwillingness in cases of murder?—I have had but very little experience on charges of that kind; only one or two charges of murder have been brought before me.

Is it from humanity that persons have declined to prosecute?—Certainly; because the expense and inconvenience amount to nothing, in consequence of the ease with which it is done in the city of London. I have sometimes heard a tradesman say, I shall lose a good deal of time perhaps by this; but the short answer to that is, that a man who prosecutes in the city of London loses very little time, for there are fixed hours, and the London prisoners are tried either early in the morning or in the evening, and the prosecutor is put to no expense.

During the time you were chief magistrate of the metropolis, in how many cases do you think there was an absolute refusal to prosecute in capital cases?—I cannot say; a great number.

Were

Were there more than a hundred?—Yes, considerably more than that; in the two years, there were a great many cases which did not come before the public at all, such as the charges against young men for robbing their employers; those underwent a private examination, and the general feeling of the parties aggrieved was not to prosecute, the person was allowed to go out of the country; there were a great many cases of that sort. I have always found prosecutors press very much, that the indictment may be framed so to exclude the capital offence. *Matthew Wood, Esq.* (2 April.)

Do you think that if the capital penalty were removed from offences which are now capital, but not of great atrocity, there would be decidedly a greater willingness to prosecute?—I have not the least doubt of that; that is very commonly expressed by the prosecutors themselves.

William Wilkinson, Esq. called in; and Examined.

YOU are merchant in London?—I am.

Have you had any experience on the subject in question?—I can bear out the assertion of Mr. Alderman Wood; we had an instance of a young man who opened the safe, and took out property of some value; but understanding it to be an offence likely to be attended with serious consequences to the youth, though deserving of considerable punishment, I was induced to abandon the thing altogether. *William Wilkinson, Esq.*

By serious consequences, do you mean the punishment of death?—Yes.

Was it a robbery to a considerable amount?—Yes, it was to the amount of a thousand pounds.

Should you have hesitated about the prosecution in such a case, if the punishment had been less than death?—Certainly not.

Do you happen to have heard any thing of the same sort from persons among whom you live?—Oh dear, yes; not expecting to be examined, I cannot call to mind particular instances; but I have observed a general unwillingness, where the consequences were so serious as death.

Have you known any instances of forgery not prosecuted?—I do not recollect any, but wherever the punishment was likely to be death, I have invariably found this; whether the feeling was proper or not I cannot say, but persons have said, we will not follow it up to that extent.

Robert Torin, Esq. called in; and Examined.

YOU are a magistrate of the county of Essex?—Yes, I am; for the division of Witham. *Robert Torin, Esq.* (27 April.)

Have you any recollection of committing a person in 1814, for cutting down trees?—Yes, particularly.

What was the man's name?—William Potter.

What part of the year was he executed in?—In August; the trees were cut down in the Spring; he was tried and executed in August.

Relate to the Committee what you know of the transaction relative to his commitment, conviction and execution?—He was a very bad character, and he owed a particular spite against a miller in the neighbourhood, who had had him committed for snaring hares.

State to the Committee any further circumstances that occur to you relative to this man's conviction?—The miller had planted a young orchard of trees, which he had taken a great deal of care of; he had planted it about three or four years before, and one morning when he got up, he found his trees had been all cut down.

How many trees; between 60 and 70?—A great number; he came to me as a magistrate to complain of the thing; I asked him, if he suspected any particular person; he said, he suspected Potter: I asked him, if there were any prints of the feet; he said, yes. In consequence I granted him a warrant, and the man was brought before me; I made him pull off his shoes, and sent for the shoemaker who made the shoes; I had them compared with the footsteps, and they agreed; the thing was brought home to him, and he was tried before Mr. Justice Heath, and convicted of the offence.

He received sentence of death?—Yes, which rather struck us all with surprize; the miller, the clergyman of the parish, and several of the inhabitants, presented a petition, and I signed my name to it.

Robert Torin, Esq.

(27 April.)

You forwarded that petition to the Secretary of State?—I did, and I have Lord Sidmouth's answer, and my reply to it.

They were handed in and read, as follow:

" Sir, " Whitehall, 6th August 1814.

" Having taken into consideration the petition which you signed in favour of William Potter, a convict under sentence of death in the gaol at Chelmsford, I am sorry to inform you, that I do not perceive any circumstance stated on behalf of the prisoner, which would justify me, consistently with my public duty, in recommending him to His Royal Highness The Prince Regent, as an object for any extension of the Royal mercy. I have the honour to be, Sir, your most obedient humble servant,

" Robert Torin, Esquire, Kelvedon. " Sidmouth."

" My Lord, Chelmsford, 8th August 1814.

" I have the honour to acknowledge the receipt of your lordship's favour yesterday morning, respecting W. Potter, now under sentence of death, in which your lordship is pleased to say, you do not find any circumstance stated on his behalf, which will justify you in recommending him to mercy; I wish it was in my power to offer to your lordship's attention, any act of his which might extenuate his offence, unless it be the ample confession which he made soon after his commitment, and which was produced at his trial, and by which, a gang of desperate villains who had long infested the neighbourhood where they resided have been detected, and the country rid of part of them, viz. Jasper Raven and William Allen, may be considered as such.

" I have now to submit to your lordship, that I have just come from visiting the unhappy man, in company with Mr. Morgan the chaplain, who addressed the convicts, and I can bear testimony to that deep contrition which he expressed in his petition, and as far as I can judge, never was sorrow exceeded, or repentance more sincere than his; and I am authorized by Mr. Morgan to say, as far as appearances go, such has been the state of his mind ever since his condemnation.

" I beg leave to suggest to your lordship, that I am well assured, when he committed the act for which he stands condemned, (viz. cutting down the trees,) he was not sensible of the heinousness of the offence, or aware of the punishment which awaited it; and I believe very few of the lower orders of the people are acquainted with the terms of the Black Act.

" If any of these circumstances should be considered of sufficient weight by your lordship, to induce you to recommend the wretched man as an object for the extension of the Royal mercy, so that his life may be spared, I know it would afford the highest gratification to the injured party, and to me very great satisfaction.

" Having said thus much, your lordship will allow me to add, that I hope you will not for an instant, entertain the smallest surmise, that I am not thoroughly convinced of the justice and propriety of the sentence which has been passed upon him, or that I would not under similar circumstances, as a magistrate, exert my best endeavours to bring the offender to conviction. With sentiments of perfect respect, I have the honour to subscribe myself, my lord, &c. " R. Torin."

" On His Majesty's Service.

" To the Right Honourable Lord Sidmouth, one of His Majesty's Principal Secretaries of State, &c. &c. Whitehall."

What was the general character of this man?—He was a very notorious thief; he committed a vast number of petty thefts.

Was he ever convicted of petty theft?—No; but he was known to be a thorough thief; he broke open several tills, and stole the money out.

Had he ever been convicted or committed before?—No, not to my knowledge.

Did he confess all the acts of petty theft that you have mentioned?—He gave a list of them to Mr. Morgan.

At what period were those confessions made?—After he was convicted; I believe the day after condemnation.

What

Robert Torin, Esq. (27 April.)

What was the age of this man?—About thirty.

Was he married or single?—A married man, with a family.

A labourer?—A mere jobbing man.

Did the execution of this man excite a considerable feeling in the country?—A great many people were surprized at it; it was considered a case of extreme hardship, but which was palliated by the badness of his character.

If any man was to cut down as many trees as he had, would any gentleman in the neighbourhood prosecute him?—I cannot speak as to others; I have no doubt that many would not prosecute, particularly the quakers; but if a hundred trees of mine were to be cut down, I would not prosecute a man for it, because it would endanger his life.

Mr. *Josiah Conder*, called in; and Examined.

Mr. Josiah Conder.

YOU are a bookseller?—Yes, in St. Paul's Churchyard.

Have you had any experience of the effect of the punishment of death on the public mind?—I can relate my own case; it deterred me from committing a female servant of my own, who had been in the practice of robbing me for some time.

Were the robberies to a considerable extent?—I had no means of ascertaining the precise amount, but it extended to almost every article of petty theft.

Should you have had any hesitation in prosecuting her, if it had not been attended with the punishment of death?—Certainly not; nothing but the severity of the punishment deterred me from prosecuting her, for I was so reluctant to her getting clear off, that I detained the officer a considerable time in the house, before I could form my determination on the subject.

Would any consideration of trouble or expense have deterred you from prosecuting her, if the punishment had been less than death?—Certainly not; if the punishment had been less than death, I should have had her committed to Newgate immediately.

Would you have continued the prosecution to conviction?—Certainly I should.

Have you had any more general experience on the effect of capital punishment, than what you have mentioned?—Nothing that I can give in evidence; I have conversed with many individuals upon the subject.

What was the result?—They universally expressed an aversion to prosecuting, because they did not approve of the capital punishment.

To what sort of offences did that generally relate?—Shoplifting, and other offences of robbery, without violence; but with respect to forgery, their feelings were most warmly expressed.

The same with respect to stealing privately?—Yes.

Whether in a house or shop?—Yes.

From your experience of persons in the city of London, in the line of shopkeepers, have you found a decided reluctance to prosecute for forgery, and uttering forged notes?—Decidedly, as far as my experience extends, the public opinion is entirely in favour of a melioration of the criminal laws; at the same time the Committee must be aware, that there are so many considerations besides that of the capital punishment, to deter persons from prosecuting, that it is rendered more difficult to come at cases of the precise nature, which might be given in evidence. I consulted the former master of the woman who robbed me, on finding property belonging to him in her boxes; he concurred with me in a disinclination to prosecute her for a capital offence.

Supposing a man were to issue a forged Bank note to you, would you assist the Bank in conducting a prosecution against that man?—I should not willingly be a party in any way in a capital prosecution for making or uttering forged notes; nor would I willingly be a party in any capital prosecutions for offences merely against property.

Would you assist the Bank in prosecuting, if the punishment were any thing short of death?—Certainly, I should have no objection in that case.

Thomas Furley Forster, Esq. called in; and Examined.

T. F. Forster, Esq.

YOU are a banker of the city of London?—No; a Russian merchant; my brother is the banker.

Have you any information to give or observations to make to the Committee,

T. F. Forster, Esq.
(27 April.)

mittee, as to the public opinion on the punishment of death on persons prosecuted for certain offences?—A general disapprobation.

Is that the opinion of the merchants and traders in the city of London?—Yes; they have generally expressed an unwillingness to prosecute for common crimes.

By common crimes, do you mean crimes committed against property and forgery?—Yes; in general against property, and more particularly against forgery.

In the case of a person committing against you any of the offences of which you have spoken, would you have prosecuted that person?—Certainly not.

Would you assist the Bank in conducting a prosecution against a man for forgery, or uttering forged bank notes?—Certainly not.

Should you have any hesitation in assisting them, provided the punishment were any thing short of death?—In general I should not.

Do you believe, that the merchants whom you have stated to be averse to prosecuting, would feel that aversion if the punishment was more mild?—I should think not.

That applies to persons of different persuasions, and different religious and political opinions?—Certainly; people of all persuasions and sects in religion, and parties of different opinions in politics, as well.

Does your observation apply particularly to the merchants and traders of the city of London?—Yes.

Supposing any servant were to rob you, would you be deterred from prosecuting by the severity of the law?—I certainly would not prosecute; I should be deterred by the severity of the law; but if the punishment was less, I would prosecute.

Mr. *Joseph Curtis*, called in; and Examined.

Mr. Joseph Curtis.
(28 April.)

BE so good as to state your designation?—I am a currier, residing in Redcross-street Cripplegate.

Have you any experience of the fact, of a disinclination on the part of the public to prosecute for certain offences, on account of the capital punishment of death?—Yes.

Be so good as to state the result of your experience?—I once had a servant girl who robbed me of money, which she took from an iron safe, and I declined prosecuting her on account of the punishment that might follow.

How long ago was this?—About nine or ten years ago.

Was the sum considerable?—She took it at several times, in small sums.

Should you have had any hesitation in prosecuting her, if the punishment had been any thing less than death?—I should not.

From your observation, are you of opinion, that the same disposition prevails among others?—Very commonly, I believe.

Have you observed that among persons of different sects, parties and professions in life?—Not particularly.

This reluctance was not confined to any one in particular?—No.

Have you observed, that that disposition has prevailed among other persons, of a reluctance to prosecute for offences of a similar nature, as well as that of stealing in a dwelling-house?—Yes, I have.

Have you experienced to a considerable extent, a reluctance to prosecute for offences committed merely against property?—Yes, I have, but I can state nothing in particular.

Do you know any thing of a reluctance to prosecute for forgery?—I have had repeated opportunities of conversing among my acquaintance upon that subject, and I know that there is a decided reluctance to prosecute for forgery, on account of the capital punishment.

Do you think there would be any reluctance to prosecute for forgery, if the punishment was not capital?—Certainly not.

Are you acquainted with any particular facts with respect to shoplifting?—No.

Do you find the same disposition prevail with respect to shoplifting?—I certainly think it does among my acquaintance; there being very few persons who would prosecute when death was likely to be the consequence, unless the offence was very heinous.

You have no doubt of the right of the magistrate to punish with death, in case of heinous offences?—Certainly not.

Do

Do you think, that any doubts of that sort prevail among the persons of whom you have been speaking?—I think not.

Mr. Joseph Curt is (28 April.)

You describe this reluctance to prosecute, conceiving the punishment exceeds the offence?—Yes.

Mr. *Windover Fry*, called in; and Examined.

Mr. Windover Fry.

YOU are a type founder?—Yes, in Type-street Finsbury-square.

You carry on a very extensive business?—Yes, we do.

The largest in the kingdom?—I do not know that it is the largest; it is equal to any in the kingdom.

Have you made any observation on the effect of capital punishment for a certain class of offences?—I have generally considered, from the observations that I have been able to make, that the present system was more likely to increase than to diminish the quantity of vice, but I have had no particular cases come under my own immediate notice; I speak from general observation, and from the opinion that I have heard expressed by others, more competent than myself to speak upon the subject.

Have you heard that opinion repeatedly expressed?—Yes, I have often heard it expressed.

Have you observed much disinclination to prosecute for certain offences, among your acquaintance, on account of the capital punishment of death?—Yes, decidedly.

What are the offences with respect to which that reluctance chiefly prevails?—Petty thefts in particular.

Stealing in a shop?—Stealing in a shop, and from a manufacturer.

Stealing in a dwelling-house?—Yes.

Robberies by servants?—Yes.

In short, all offences against property without violence?—Yes.

Have you ever experienced that disinclination to prosecute in cases of forgery?—Yes, I have.

Have you reason to believe, that that disinclination is general among the traders in the city of London?—It is, as far as I have been able to observe.

Have you any reason to doubt, that that reluctance prevails in consequence of the capital punishment?—No.

Do you think, that the same reluctance would prevail, if the punishment were any thing less than death?—I believe it would not.

Does the same disinclination prevail with respect to offences attended with violence?—Not so generally.

Have you any further observations to make, that you consider worthy the attention of the Committee?—I have been deterred myself in a trifling instance or two, on account of the too great severity of the punishment, which I considered disproportionate to the offence.

Be so good as to name the instances?—We are very liable from the nature of our business, to frequent robberies.

In your business?—Yes; and we always considered it a very desirable thing where persons are detected, to prosecute them as an example to others, but are deterred for the reasons I have just mentioned; in those instances, two youths, the one about eighteen, and the other three or four years younger, were detected in the act of stealing metal, and we should have prosecuted them, had it not been for the great severity of the law, and the consequent exposure to corruption.

Mr. *John Gaun*, called in; and Examined.

Mr. John Gaun.

Have you any experience on the effect of capital punishment, in preventing prosecutions for certain offences?—I have had.

Be so good as to state it?—It was on the subject of forgery; the house in which I was formerly a partner, James Davies and company, had about a year and a half ago a transaction with a person who represented himself as the agent of an attorney in the city of London, stating, that he was employed by this gentleman to procure a quantity of goods of different kinds, for the purpose of exportation to the West Indies.

In what line of business were the house?—General merchants, and boot and shoe-manufacturers. He was to look out a general assortment for the said gentleman, and when he had so done, this attorney was to give his acceptances

Mr. John Gaun. (28 April.)

for the amount of the goods so procured; this transaction was concluded on the part of the house in which I was a partner, and I think goods to the amount nearly of 60 *l.* or 70 *l.* were shipped by our house, probably 300 *l.* or 400 *l.* in the whole, and the attorney was compelled to pay the amount of them; it was a complete swindling transaction, as the goods were never sent out; about twelve months afterwards, about six or nine months now past, that is about last spring, he came again to the counting-house; I saw him, and he told me that he had a similar order on the part of this gentleman, and that he wished to give his acceptance for the goods as before, and that he had the said bill for about 30 *l.* and a few odd shillings, if we would give him the difference of amount between our goods and this bill (having other goods to procure;) we accordingly took it as the acceptance of this gentleman, thinking it a good bill; and knowing the hand-writing, I had no hesitation in doing so; he left the bill with us for more than a week, so that we had an opportunity of inquiring if we had chosen; about a week after he had a check for the balance of the amount, and the goods were sent to a packer's, and were afterwards called for by himself. When the bill became due we presented it for payment, and the party immediately started up and said, this is a complete forgery, and it is not the first of the kind. We made very diligent inquiry after the party, thinking it a case that required exemplary punishment; but on account of the smallness of the sum, and knowing that capital punishment would necessarily ensue, we were induced from motives of humanity to forego prosecuting him, thinking that the lenity which we had shown him might have a good effect; but in about three or four months afterwards, a partner of a banker's house in London called upon me and told me, that he had been procuring goods in a similar manner from other merchants on bills of the same description; the party was taken up on the charge and was arraigned at the Old Bailey, but the prosecutor never appeared, and the matter was hushed up.

These were frauds and forgeries to a considerable extent?—Yes, probably 200 *l.* or 300 *l.* to different parties.

Do you know of any other particular instance?—No; we should most assuredly have prosecuted him if we could have sent him out of the country, as we considered it would have been of service to society (had not the crime affected his life,) as he was a man of considerable talent.

Have you observed, among traders in particular, any indisposition to prosecute for forgeries, on account of the capital punishment?—In all cases, where they are for a small amount.

Have you observed any thing of a similar indisposition in other offences, not attended with violence?—Always so; and I have had special opportunities of observing. I have served on all juries in the city of London. I was foreman of the Grand Jury about this time twelvemonth; there is evidently a reluctance on the part of the public to prosecute.

Do you consider that reluctance to prevail among the class of persons from whom grand jurors are usually selected?—Among all classes comprehending them.

The reluctance of which you have been speaking, alludes to such offences as shoplifting, privately stealing in a dwelling-house, and offences of a similar description?—Yes; in the middle ranks of society, where these offences are committed to a very considerable extent.

Does this disposition prevail also among the traders and merchants in the city of London?—It does, in my opinion; I have known several instances in which the middle class, and more particularly retail shopkeepers, have entirely foregone prosecuting for small offences (shoplifting especially,) chusing rather that the offenders should be turned off with disgrace and obloquy.

Would they, in your opinion, feel any hesitation in prosecuting for crimes that are capital, if the punishment was any thing less than death?—I have very little doubt that they would prosecute.

The expense and trouble has always an influence?—Certainly the expense would be in some instances considered, but nothing in comparison with the dictates of humanity.

Have you observed a similar reluctance to prosecute for the more heinous offences, such as murder, for instance?—Certainly not.

Are not the middling class of traders in the city of London, of which you speak,

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speak, peculiarly liable to depredations by petty thieves?—No class of persons so much exposed to it.

They are liable to suffer from forgeries also?—Certainly; particularly in bank notes.

Sir *Richard Phillips*, called in; and Examined.

Sir Richard Phillips.

YOU were sheriff of the city of London?—Yes; I was in 1807-8.

Will you be so good as to state to the Committee, any observations you have to make, as the result of your experience, relative to the capital punishment of death, for a certain class of offences?—I have always found, that in offences not attended with great aggravation, the severity of the punishment by law tends to promote the impunity of offenders. I have also made the same observation as a petty juror at the Old Bailey, and as a grand juror for the county of Middlesex.

Will you name any particular occurrences that have led you to make that observation?—As a petty juryman I have observed, that when the jury retire, one of their principal considerations is the punishment which follows the conviction; and in framing their verdict, they are often considerably distressed at the circumstance of the offence involving a capital punishment, and are always desirous of laying hold of any circumstance in favour of the prisoner, even of special pleading points, and are much disposed to listen to those exceptions which have been made by the counsel, where the consequence of a conviction is a capital punishment. I recollect the circumstance of a man being charged with a burglary, when I was on the jury, and a doubt existing, whether a window was quite closed, that circumstance was laid hold of by certain persons in the jury, as a ground for acquitting him of the burglary.

Should you have been inclined, in a trial of that description, to rest upon such a doubt, if the punishment had not been capital?—I certainly should not; but I could speak to many other cases of a similar nature, within my own experience as a juryman.

Where the juries have laid hold of little circumstances for the purpose of acquitting?—Yes; and in cases where those circumstances have not made any real difference in the nature of the crime.

Do you conceive the same feelings actuate jurymen generally?—In filling the office of sheriff and striking petty juries, I was applied to, perhaps a hundred times, by persons struck on juries, to release them, on the ground of their extreme reluctance to be parties in any conviction which led to the punishment of death for offences connected with property merely; and I have no doubt every sheriff is applied to in the same way, and on the same grounds. In such cases the value of the property is set against the man's life; and it is not considered that any amount of property is equivalent to the life of the offender; many such applicants have stated, that they should never be able to sleep in peace, if they had the blood of any person convicted for such offences upon their minds. As a grand juror for the county of Middlesex, I have, in like manner, witnessed on all occasions a similar reluctance to find bills in such cases; and as the decisions of grand juries are made by vote, and they are not compelled to be unanimous, the same personal responsibility does not attach to each member of the jury as in petty juries; consequently, many decisions are made with a strong bias to release the party from an accusation leading to a capital punishment. In some such cases of rejected bills, other indictments, involving minor punishments, have been presented on the following day, and, under the very same circumstances, have been found without hesitation. I remember a case, in particular, of a person being charged with a forgery on a banker, where the bill was thrown out, and on the same bill being presented the following day, as for a fraud, a true bill was immediately found. While filling the office of sheriff, numerous cases presented themselves, in which prosecutors applied to me, to know whether I had interest or means to relieve them from the onerous condition in which they found themselves, as bounden prosecutors of persons in prison. I recollect one case of a gentleman, from the West Indies, having his pocket picked of a snuff-box, and the act being witnessed by a police officer, he was taken, with the two pickpockets, to the Mansion House, to prove his property, and bound over to prosecute at the following sessions at the Old Bailey; but being struck with horror at finding that the lives of two men were endangered in regard to a property upon which he set

Sir Richard Phillips. (28 April.)

slight value, and unwilling to be a party in the transaction, he actually fled from London, forfeited his recognizances, and did not make his appearance for several months, by which he sacrificed considerable personal interests. In regard to forgery, it has twice occurred to myself that prosecutions have been prevented by the severity of the laws. On one occasion, a person forged my own acceptance and negotiated the bill; but the holder having some suspicion of its genuineness, applied to me to know whether it was my acceptance; and finding it was not, he instantly exclaimed, that he would be no party in a criminal prosecution, and immediately put the bill into the fire. On another occasion, I was summoned before a magistrate to give evidence of a similar forgery; but I declined appearing, and preferred paying the amount to the pain of being a party in a criminal prosecution, which must have led to the death of the offender.

Have you any experience, whether the punishment of death has a tendency to deter thieves?—I think, speaking generally, that it has no greater effect on thieves than the fatal consequences of vicious gratification, or than the usual consequences of an indulgence of vicious habits, has on mankind in general. I have found, from actual conversation with prisoners, that they often adopted the adage, "a short life and a merry one."

Do not you consider that imprisonment and hard labour will be more terrible than a chance of death?—Yes; not only as operating *in terrorem*, but also as tending to produce those moral habits which would subsequently render them useful members of society; in conversations with many thieves, I have known them exclaim, that they would give the world if they could acquire any trade or any means by which they could escape from their present course of life, and be able to get their living in an honest way.

Have you had any occasion to observe, whether the punishment of death produces the same effect with respect to those cases where it is almost always inflicted, as in murders, for instance?—I have no sort of doubt, that the uncertainty of punishment is the cause of all crime. I think, that in most cases mild punishments and instruction would tend to reform offenders and prevent a repetition of their offences, while such a system would tend to render the public at large concurring parties in prosecutions and convictions.

Mr. *Richard Taylor*, called in; and Examined.

Mr. Richard Taylor.

YOU are a common councilman of the ward of Farringdon Without?—Yes.

Have you any information to give the Committee on the effect of capital punishment in preventing prosecutions for certain offences?—I have only to state, that my printing-office was, about ten years ago, broken into and the counting-house robbed, the desk broken into and robbed, and the men were apprehended; and it was a question, I understood, whether the connection of the printing-office with the dwelling-house was such as to make the offence a burglary, and the officers were very anxious to establish that it was a burglary; and I took some pains to learn whether by the statute it would be so; and certainly, had there been any chance of the crime being established to be a burglary, I should not have prosecuted the man for it. I found it could not be made a burglary, and they were prosecuted, convicted and transported.

Have the goodness to state to the Committee, whether you have any reason to believe that a similar disposition, with respect to punishment, prevails to a considerable extent among persons with whom you are acquainted?—Yes, I have found very generally a similar disposition to prevail; the great objection to prosecute where property only is affected, is the severity of the punishment where it would be capital.

Were the persons to whom you allude particularly, traders in the city of London?—They are chiefly traders in the city.

Are traders in the city of London peculiarly liable to thefts?—They are so.

Have you observed the same disposition in the case of forgery?—I have observed among that class of persons, in conversation, such a disposition in case of forgery.

Those are persons from whom grand and petty juries are principally selected?—Yes.

Have you ever served on either of those juries?—No, the ward to which I belong is exempted from serving on juries.

Have you any further information to give to the Committee?—I served my apprenticeship

apprenticeship in a large printing-office in London, and I very well remember, that on the mornings of executions at the Old Bailey, a considerable number of persons (principally apprentices) were in the habit of attending them, and very often those who were the most industrious were the most frequent in their attendance at executions, and spoke of them with great levity; there was one young man who constantly attended them, who got connected with gangs of thieves, and was afterwards executed for a highway robbery; he was very frequent in his attendance on executions, and when he returned to the office made sport of them.

Mr. Richard Taylor. (28 April.)

The result of your observation has been, that it has a greater tendency to harden than to deter?—Certainly; I think if they were only introduced as far as the feelings of good men would go along with them, the effect would be very salutary.

RICHARD MARTIN, Esq. a Member of the House.

HAVE you had occasion to observe the effect of very severe punishments in discouraging and preventing prosecutions?—Most undoubtedly, they prevent the greater part of all prosecutions, where the punishment is death. I am certain that not one person that is guilty of these crimes out of ten is prosecuted in Ireland.

Richard Martin, Esq. (4 May.)

How long have you been in the habit of attending on grand juries?—About five-and-twenty years.

What are the offences to which your observation particularly applies?—To burglary and to robberies.

Is it more particularly applicable to offences against property without violence?—A man would be hooted at that prosecuted in a case of that sort.

Are sheep-stealing and cattle-stealing and horse-stealing frequent offences in your part of Ireland?—They are very frequent; but a man would meet with great censure, who would prosecute a man so as to procure him to be hung for those offences; and whenever those offences are prosecuted, they are prosecuted almost always with a view to recommend the person to mercy, that he shall not incur that penalty.

To which of those three offences does your observation most apply?—To sheep-stealing, I think, generally. But, in short, I do not recollect a person to have been executed in my country for sheep-stealing; it is not within my recollection.

And yet it is a frequent offence?—My estate is almost laid waste in consequence of it; people are afraid to put their sheep there at all, they are stolen so fast; the mountainous parts have been thrown up in consequence.

Do you think your estate would be more protected if the law was more lenient?—I have no doubt of it.

You are the proprietor of a very extensive estate?—Of very great extent, undoubtedly. I remember a gentleman, some years ago, in the county of Mayo (cow-stealing became very prevalent); and a man was convicted of cow stealing; and this gentleman and the grand jury took such indignation at it, that they applied to the judge to have the man executed; but the judge discountenanced them entirely, and said he would recommend the man. Lord Yelverton was the judge.

Have you made the same observations as to stealing privately from dwelling houses and stealing in shops?—Yes, I have, where it is laid capitally; but very frequently the judges on the circuits encourage the clerk of the crown to lay it otherwise, to lay felonies at large. But other judges censure the clerks; so that the clerk of the peace is really in very great difficuly; for one time he is censured if he lays it capitally, and another time he is censured for not doing so.

There are very few prosecutions for forgeries of notes of the bank of Ireland, are there?—They prosecute wherever they can. I believe I recollect the case of a man, who was executed for stealing a few yards of unmanufactured cloth in a dwelling-house; he slept there at night, and put it under his great coat, and took it away. He was tried before Judge Mayne, and found guilty; and Judge Mayne refused to recommend him, and he was executed.

Did that make a strong impression on the county?—It did.

Do you think it had the tendency of preventing prosecutions in similar cases?—No doubt of it; an instance occurred to myself in returning from a

Richard Martin, Esq. (4 May.)

party in a chair; I was stopped, and robbed of five guineas and my watch. I afterwards recognized the man in the dock at the commission of oyer and terminer, and I asked him if he had not seen me before; he said, he believed he had. I told him, I fancied he was the person who robbed me not many nights before; he admitted it. I told him to keep his secret, and I should keep mine.

In those depredations which are committed upon your property in the county of Galway, as the punishment is death, would you prosecute?—Most certainly I would not.

Would you prosecute, with the utmost severity and industry, if the punishment were any thing less than death?—I certainly would desire, of all things in the world, to transport people where they steal sheep in great quantities, who make a trade of stealing sheep, and do not take them for sustenance; I would certainly transport them.

Do you think a reduction of the penalties of the law, would promote the security of property in that part of Ireland?—I cannot entertain a doubt of that; and I am satisfied it would in the whole province of Connaught.

As you are well acquainted with Ireland, especially with that part of Ireland, do you think there is a general disinclination to carry the laws into effect on account of their severity?—I am sensible there is; and that persons who enter into recognizances to prosecute are frequently very much distressed, and forfeit their recognizances in consequence, and those recognizances are levied, and they are out of pocket; or they come forward feebly and perjure themselves, and refuse to identify the person when they could identify him if they pleased; I see that every day.

James Soaper, Esq. of St. Helen's Place, called in; and Examined.

James Soaper, Esq.

DO you know any instances of a disinclination to prosecute on account of the severity of the laws?—I know of one which occurred to my father-in-law; his house was broken open, and a considerable quantity of plate stolen therefrom; and but for the punishment of death, he certainly would have prosecuted.

Had he any traces of the offenders?—I believe not for the time, but afterwards they acknowledged this crime; they were taken for a burglary, and executed.

He did not take any measure for their detection?—He did not on that account.

What is the name of your father-in-law?—Mr. Good, at Greenwich.

Do you think, that feeling of reluctance to prosecute in capital cases, is very general?—I think it is.

Do you happen to know any thing of a reluctance to prosecute in cases of the issuing of forged bank notes?—Not exactly; I can only say, on my own part, that were I forged upon, I certainly would not come forward to prosecute.

Would you come forward to prosecute in case the penalty were any thing less than death?—I have not made up my mind upon that.

You would be favourable to the infliction of adequate punishment on crimes?—Certainly.

You would think it your duty to procure the infliction of a proportionate punishment to the crimes?—Certainly.

You would, therefore, take a part in prosecuting the offence, if the punishment were correspondent to your ideas of the nature of the offence?—Certainly; I have had in my own family several cases of robbery by servants. I am not aware, whether those cases came within the punishment of death; but if they did, I certainly should not come forward to prosecute, so as to take away the lives of those who had lived with me several years.

Do you think there is a general impression in the public mind, that the reduction in the penalty of crimes, which are now punished with death, would be attended with an increased security of property?—I think so; I believe that is the general impression, so far as I have been able to judge.

Mr. *Stephen Curtis*, of Well Street, Cripplegate, Leather Factor, called in; and Examined.

Mr. Stephen Curtis. (5 May.)

HAVE you any observations to make to the Committee, on the effect of the severity of the penal code in discouraging prosecutions?—I can speak as to circumstances which have occurred to myself, and several which have come within

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within my knowledge. About 1804 or 1805, a person purchased some goods of me, for which he paid me a bill, purporting to be drawn upon a house in Edinburgh, for £. 197. 18 *s.* I held this bill until it was nearly due; within a few days of becoming due the drawer called upon me, and stated, with a great number of apologies, that the bill would not be paid. Upon putting the question to him, how he could know that the bill would not be paid, as it was accepted by a house in Edinburgh, he told me, unfortuately, there was no such house in existence in Edinburgh; and gave me to understand, in answer to questions, that he was the manufacturer of the bill, that he forged the acceptance.

The bill purported to be drawn by himself, and accepted by the house in Edinburgh?—Yes. I suffered considerably by this bill; it was presented, and not paid. I represented to the drawer the situation in which he stood, and threatened a prosecution; having no intention, however, of carrying it into effect; and the reasons why I did not prosecute were, that I knew the offence was capital, and the probability, indeed almost the certainty, that the man would forfeit his life; independent of the man's own life, he would have left a young family. The man was not prosecuted; and from that time I believe he conducted himself respectably. He was led into the crime by a man of known bad character.

Were you made aware of this fact before you came to the resolution not to prosecute?—I believe he stated that to me in the first instance.

If the punishment had been less than death would you have prosecuted?—Certainly. There is another circumstance which occurred to me. I happened to be an assignee to a bankrupt's estate, where it was clearly proved before the commissioners, that the bankrupt had purchased property to a considerable amount, and that he had fabricated fictitious receipts for sums which he had never paid; all this was clearly proved before the commissioners, and he was committed to Newgate for prevarication in his answers. The commissioners suggested the propriety of a prosecution, urging it for this reason; that it was a difficult thing to prove offences and crimes of this sort against a bankrupt so completely as to bring him to justice; and that the assignees ought not to let an occasion pass where they had an opportunity of making an example. My colleague, the other assignee, was a quaker; he objected on the score of his profession, which would not allow him to take an oath; that was his principal objection; humanity had something to do with it also. However, it devolved upon me; and I objected for no other reason than that the man would certainly have suffered death. He was in prison two years, therefore I had sufficient time for consideration; but at last I allowed him to escape. These are two cases in which I did not prosecute, from motives of humanity, where the offence was capital.

By that, do you mean that you considered the severity of the punishment inadequate to the crime?—Yes, and to show that I was not prevented from prosecuting by any other motive than that of saving life, I will relate several instances in which I have prosecuted, where the penalty was less than death; indeed, in one case the penalty would have been death, but I found means of lessening it; and upon that occasion the Recorder intimated, that the man ought to have been indicted capitally.

What was the offence?—A serious burglary in a warehouse connected with the dwelling-house, which might have been made capital; this man was Thomas Addison, he was convicted and transported on my prosecution. There was another case of an old man, whom I prosecuted for a minor offence; and in neither of those cases would I have proceeded against them if the consequence would have been death. The cases which have come to my knowledge, and in which I have not been concerned, are these; a young man who came up to town out of Wales———

These are cases that you know?—These are cases which I could easily substantiate: This young man getting into difficulties in business, committed a forgery upon a bank in the country; to what amount or the particulars of the circumstance I cannot relate; all that I know is, that it caused a great sensation among persons in the neighbourhood, who had it in their power to prosecute, but the prosecution was declined.

On what ground?—I have every reason to believe, that it was from the same motive as myself, namely, from an apprehension that the man would have been

Mr. Stephen Curtis. (5 May.)

executed. Here is another case which was a forgery on the bank of Mr. Richard Hart Davis, then Davis and Stone's bank in Bristol; a forgery was committed to a considerable amount upon their house, and the house were repeatedly applied to, to come and appear at the Guildhall against the party; the name I cannot recollect, nor any more particulars about it; but I recollect repeated applications were made to the partners, but they declined appearing; and I was convinced at the time, and have no doubt about it since, from similar motives to those I have already stated. There is a case, a very recent one, only two months since, in which a brother-in-law of mine suffered robbery to a considerable extent in a dwelling-house by a maid servant, and declined prosecuting from similar motives. There is another case which occurred in Tottenham-court-road; two boys had stolen some goods out of the shop of a widow woman, who kept a shop; she felt a great deal of uneasiness upon being urged to prosecute, and came to me for the purpose of consulting me upon the occasion, knowing that I had suffered myself in several cases; my advice was, if possible to reduce the crime so as to enable her to indict for the minor offence, and that advice was followed; the person who suffered the robbery, certainly would not have prosecuted if that could not have been done. There is another case of an insurance broker and underwriter at Lloyd's; his house was broken open, a burglary was committed on his premises, and plate and other property stolen to a considerable amount; he immediately went to Worship-street, where he saw Armstrong, and consulted him about recovering the property; he put a question at the same time to Armstrong, whether if he described the man, and he should be induced to prosecute, he could do it with the possibility of saving the man's life. Armstrong answered in the negative; then said the underwriter, do not think of recovering the property by any such means, and no exertions were used to recover the property from feelings of humanity towards the man. Within these few days, I have held a conversation with a person whose father prosecuted a man for depredations on his property, and who was hung for that offence; I know the feeling of the two sons upon that occasion. I had several conversations with them upon it, and they informed me that the father felt considerable regret at the circumstance, and that neither he nor they would ever institute a prosecution under similar circumstances for the same sort of offence.

What was the offence?—Thefts on their premises to a considerable amount; they considered themselves not only the cause of taking away the life of the man themselves, but they apprehended a considerable degree of obloquy, that their characters were in some measure involved, and that they would have expected reflections from most of their friends and neighbours; a friend of mine and myself were applied to, to join a society for the purpose of prosecuting felons; we had some conversation upon the subject, and our feelings and sentiments were in unison; we determined not to join such a society, because we know that societies generally act with rigour.

And do not they act with rigour in those societies where the majority of the members composing the society would not act with rigour; where the individuals generally would not?—With respect to the general feeling of the community, I can say with certainty, as far as my own experience goes, and from all the communications I have had with intelligent and conscientious men, that the feeling I have before described generally prevails.

And in those communications you have not been confined to any particular party or sect in politics or religion?—I have never had party or sect in view.

And those with whom you have conversed have not been generally of any particular sect of Christians, Quakers, or any others in particular?—Certainly not; thefts in shops are far more common than the public, who are not shopkeepers, conceive them to be; and I think, if a calculation were to take place, by an inquiry at the door of every shopkeeper from Cornhill to Charing-cross, that scarcely any of them are exempt from plunder of that description annually.

Have you had considerable experience as a juryman?—I have served twice during two whole sessions at the Old Bailey.

Have you observed any difference in the feelings of the jurymen, where the offence has been capital and where not?—A great difference.

Have you observed any instances in which persons were not convicted on a capital charge, and who might have been convicted if the charge were any thing less than death?—I feel there is a considerable degree of delicacy in stating

Mr. Stephen Curtis. (5 May.)

stating any distinct cases of that kind; but as far as feeling goes, juries, I believe, are almost universally averse to capital convictions. I recollect in last December sessions, when I was in the box, the case of a burglary; it was not breaking open the house, but breaking open a room; the property taken was trifling comparatively; the burglary was committed by two men, and the jury expressed a great deal of anxiety upon their case, seeing the serious situation in which they stood; and I have very strong doubts, although I cannot state it as a positive fact, whether, if these men had not been indicted capitally, a verdict of guilty would not have been pronounced. I have observed frequently great satisfaction expressed, and apparently felt, by jurymen, when by any favourable circumstance, or point of law, the capital part of the offence is set aside, and then certainly they convict more readily, and with much less reluctance, than when the offence is capital. I remember in the last December sessions also, a man had gone into a shop in Cornhill, and stole a seal; the proof was complete, and the seal was identified; the prosecutor swore it to be his property; the identical seal was sworn to, both by the prosecutor and a person who happened to be present, but the trifling circumstance of the seal having been placed again into the drawer for a few moments, gave an occasion to the court to suggest to the jury, the possibility of the seal not being the identical one which the man had stolen, and upon that possibility the capital part of the offence was set aside; and on that occasion a great deal of satisfaction was expressed by the jury, which I felt in common with them. Another instance was a case of street robbery, where a man had been stopped by a person he knew something of, who with every appearance of friendship seized his hands, and in the mean time his watch was taken by an accomplice out of his pocket; there were no counsel employed either for the prosecution or for the man, and it occurred to me, at the close of the examination, to put to the prosecutor a question which had not been put to him; it was this, whether the watch was taken from him by violence; whether the prosecutor had felt any considerable degree of apprehension or fear for his personal safety; that I understood made a material difference in the crime; indeed this difference, between death and transportation; upon that occasion the jury in effect congratulated and thanked me for what I had done. My expression was this: "this transaction took place in an instant, before you could have been aware of any such intention, and consequently you could not have suffered any fear or apprehension for your personal safety;" and the answer was, "I never was afraid of any one in my life." The recorder then called him and repeated the same question, and asked him if he was not alarmed; and the answer he gave was precisely the same which he had given me.

And the jury in consequence acquitted him of the capital charge?—Yes; I have always observed a considerable reluctance wherever a man's life is at stake. The majority of juries, in cases not marked with any peculiar atrocity, are desirous of discovering some circumstances in favour of the prisoners; are desirous of availing themselves of the least favourable circumstance or shadow of doubt.

Have you served often on juries in cases of murder?—Never.

Have you served on juries in cases of highway-robbery, or in cases of burglary, accompanied with violence to the person?—Never; I have been peculiarly fortunate in never having been on a jury where a case of peculiar atrocity came before them.

Have you found from your experience on different occasions, any unwillingness on the part of the jury to convict in capital cases of very great atrocity?—No; in cases of murder they generally feel a disposition to convict the persons, where the persons in the situation of prosecutors would prosecute without reluctance.

Do you believe the general feeling to be the same in instances of highway-robbery, accompanied with violence?—They might make a distinction.

Do you think there would be less reluctance to convict in cases of murder, than in cases of highway robbery, accompanied with violence?—Yes.

Do those observations you have made generally apply to crime without violence?—Certainly; I have never known a case where violence has been used. I had a conversation with an individual of the class from which jurymen are usually chosen; this person expressed himself in this way: "Were I in the situation of a juryman, where a capital offence came before me, unaccompanied by any peculiar circumstances of atrocity, and which therefore in my opinion would

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not merit death, I should feel myself in a great difficulty, and should consider that I had to chuse between two evils, either to deviate from an oath, or of becoming accessary to that which I should consider murder." This is not the opinion of one individual only; but I am convinced a great many men have expressed themselves precisely in the same terms.

Have you made any observation with respect to Bank forgeries?—I can only state the general prevailing sentiments upon the Bank prosecutions for forgery. The general opinion is, that it is unnecessary to punish that crime with death, and that the punishment is ineffectual upon the execution of men for forgery; upon prosecutions by the Bank for uttering forged bank notes, the prevailing sentiment is, compassion for the criminal; and it is well known that those executions have excited a feeling of hostility against the prosecutors.

Have you any further observations to make on the subject under consideration?—I remember a case of two boys, who were prosecuted, and were capitally convicted, but not executed, for the crime of stealing a tin box, containing money. The prosecutor has since declared to me, that were a similar circumstance to happen to him, he would on no account institute a capital prosecution, from the acuteness of his feelings on the conviction of those boys, and the apprehension that they might lose their lives.

Mr. *Ebenezer Johnson*, of Bishopsgate-street, Ironmonger.

Mr. Ebenezer Johnson.

YOU were going to relate a case which occurred to yourself, connected with the subject of the present inquiry?—It was a case that occurred to me and my partners, about seven years ago. A porter in our employ took away a parcel of saws from our warehouse, value about £.5; he was taken at Smithfield by an officer in the evening, and taken before the magistrates at Guildhall. We understood that the case was clear, that the man must be convicted; and we did not appear to prosecute, and the man was not punished at all.

If the punishment had been less than capital, would you have appeared?—Certainly.

Have you made any observation on the disposition of persons in your neighbourhood?—The feelings of persons that I have conversed with on the subject are, that the penal laws are too severe, consequently the criminals escape all punishment.

Mr. *Benjamin Baker*, of the drawing-room, Tower of London.

Mr. Benjamin Baker.

WHAT is your ordinary occupation?—An engineer; I was employed in a trigonometrical survey of England.

Have you any observations to make to the Committee, on the effect of the severity of the criminal laws in discouraging prosecutions?—A friend of mine, a grocer in the Borough, was, some time since, robbed by a porter of his of a quantity of tea, which he secreted about his person, his hat, and various parts. He had been robbed to some considerable amount at different times; but on discovering it, he entirely withheld prosecuting the offender, being sensible that the charge would have affected his life, and satisfied himself by dismissing the man from his service. Another instance, which comes within my knowledge, is this: About five or six years since, a young man, whose connections I was acquainted with, had drawn a bill of exchange, and negotiated it; it was a forgery; and the person on whom this had been passed applied to me for my interference in the business with the family, hoping to obtain the amount, as it was not his wish to take away life. The young man was in custody for about a fortnight in Clerkenwell; but, in the result, was discharged; the party declining a prosecution, on account of the severity of the penalty attached to it.

Have you observed a similar disposition among those with whom you have conversed?—Yes; and from the observations I have made, it is the universal opinion in most classes of society, that the criminal laws are too severe, and therefore not executed.

Have you, in the course of your communication with convicts in prison, been able to trace what effect the severity of the law has had upon their hopes or fears, previous to the commission of their offences?—I have observed, from the communication I have had with the juvenile part of the felons, that youth has generally been made the object of attention of the more depraved characters, to lead them forward in crime; under the assurance, that their tender age would exempt them from punishment.

Have

Have you observed among offenders generally, that they have calculated upon the chances of total impunity, afforded by the over-much severity of the law?—I have observed, on various occasions, that persons have rested much on that hope; and I have had much difficulty to persuade them of their danger. Frequently, to a man, they have seemed to think there was no need to be alarmed; and if even ordered for execution, even then the sentence would not be put in force.

Mr. Benjamin Baker, (5 May.)

HARRY EDGELL, Esquire, Clerk of Assize for the Norfolk Circuit;
THOMAS CHAMBRE, Esquire, Clerk of Assize for the Western Circuit;
BENJAMIN PUGH, Esquire, Deputy Clerk of Assize for the Oxford Circuit;
JOHN CLARKE, Esquire, Deputy Clerk of Assize for the Midland Circuit; and
THOMAS GEORGE KNAPP, Esquire, Deputy Clerk of Assize for the Home Circuit,

Called in; and severally Examined.

Harry Edgell, Esq. &c. (13 May.)

[*To Mr. Edgell.*]—WHAT do you think will be the time necessary for completing the returns required by the Committee for the Norfolk circuit?—Mine are already made out.

From what time, to what time?—For 50 years back, including the last year, 1818.

They are in the hands of the Committee?—They were left with the clerk of the Committee by me.

[*To Mr. Pugh.*]—Has it been the practice, at the close of the circuit, to send the Judge's letter to the office of the Secretary of State?—I have been in the habit, for the last 30 years, at the close of the circuit, of taking the memorial as to reprieved convicts of the immediately preceding circuit, signed by the Judge, to the office of the Secretary of State, and there leaving it; and I can produce the letters in answer from the Secretary of State for that period, every one of them.

Are those letters in answer merely acknowledging the receipt of the Judge's letters?—No; but the signification of the King's pleasure, through the Secretary of State for the time being, by way of answer to the memorial of the Judges, under which the clerk of assize makes out the usual orders of transportation, and certificates of conditional pardon, and transmits them to the treasurers of the different counties; the act of the 6th Geo. III, directing such orders, &c. to be sent to the treasurers.

The custody of those papers would naturally be in Mr. Capper's province?—Certainly; I have always understood they are entered in a large book, so as to be referred to.

Do you conceive, that the circuit letters, and the answers of the Secretary of State to them, would give a full account of the executions?—I think not; the circuit letters (the memorials which we call them) would contain an account only of those capital convictions which are reprieved under certain conditions; the Secretary of State's letters would contain those several conditions. As to executions, possibly the returns from the clerks of assize may not be quite correct, as in some instances the King's warrant anciently, or the King's pardon, as it is now called, may have been sent without the knowledge of the clerk of assize to the gaoler or the sheriff; but in general the clerks of assize will be enabled to return correctly an account of the convictions and executions, in the proportion probably of 99 out of 100 cases.

[*To Mr. Chambré.*]—The Committee have received your return for the Western circuit?—Yes; from the year 1770.

Would it be easy to extend the return further back?—Not very easy; for about 28 years back, from 1770, I could make a return, but with considerable trouble; beyond that period I do not know that I could read them.

[*To Mr. Pugh.*]—You have sent your return for the Oxford circuit?—Yes, for 21 years.

Could you carry your return further back?—A few years, but not without a great deal of dirt as well as labour; the older records being illegible, as well as injured by rats, mice and damp.

Harry Edgell, Esq. &c. (13 May.)

[*To Mr. Edgell.*]—Could you carry your return any further back for the Norfolk circuit?—Not with any kind of accuracy; they are lying in a lumber-room, in bundles, quite mouldy, and very much obliterated; and I do not think I could possibly furnish a return with any degree of certainty.

[*To Mr. Knapp.*]—Have you made out a return for the Home circuit?—I have endeavoured strictly to follow the orders of the Committee, and I have prepared a return for 30 years, from the summer 1689 to the summer of 1718, which I now deliver in (*handing it to the Committee.*) I am preparing a return for 30 years more, which I will furnish the Committee with when completed.

Philip Jacob, Esq. of the Crescent, Cripplegate, Merchant, called in; and Examined.

Philip Jacob, Esq.

HAVE you any experience of the effect of the severity of the criminal laws, in discouraging prosecutions and preventing convictions?—I have known several persons who will not prosecute in consequence of the severity of the criminal code; I can say, that I have myself declined to prosecute on that account. I will relate an instance that has taken place within the last ten days; a woman came to offer her services to us; the servant maid, who let her into the passage, had occasion to go to the front door to take in some milk, and in the mean time this woman slipt into the parlour, and took my wife's watch from off the mantlepiece. Looking at the severity of the criminal code, I would not prosecute her under the existing circumstances.

If the punishment had been less than death, would you have prosecuted her?—I most assuredly would.

Have you any further information to give to the Committee, connected with the subject under their consideration?—About 28 years since, a gentleman from Yorkshire, went to witness the execution of two men for setting fire to some houses in Aldersgate-street, and while the execution was going on he had his pocket picked of a watch. I have lately been a journey of ten weeks into the western and southern counties, and I have conversed with many intelligent persons on the punishment of death, and every one of them thought it ought to be inflicted only in cases of murder.

Of what class were those persons generally?—Generally shopkeepers; on whom I called in the way of business, in a respectable walk of life.

Of all sects and parties?—They were people with whom I am in the habit of dealing in business, chiefly ironmongers and stationers, but of no particular sect or party in religion or politics, of various sentiments. It has frequently struck me, that our criminal code is too severe; for I cannot bring my mind to believe, that my countrymen are more deserving of the punishment of death, or other punishments, than those of other nations. As far as my experience goes, jurymen are certainly disposed to lean on the side of mercy; and as a juryman, I have always endeavoured to persuade them, being guided by this divine injunction, "I will have mercy, and not sacrifice."

Have you often served on juries?—I have been for many days together in attendance; I never neglect my duty as a juror.

For how many years?—The last 20 years.

Juries of the county of Middlesex?—I have been on juries at Guildhall, in the court of King's Bench, and the court of Common Pleas, and at the Sessions House in the Old Bailey.

Have you, in the course of your experience, seen many cases in which persons were indicted capitally and acquitted, who would, in your opinion, have been found guilty if the punishment had not been death?—I remember an instance in the last January sessions, at the Old Bailey, while I was upon the jury, where the prosecutor did not appear, and we of course acquitted the prisoner.

What observation have you made with respect to a disinclination on the part of the public to prosecute, or juries to convict, in cases of forgery?—I have found that some persons have a very vindictive spirit; but generally speaking, the reverse.

Do you now speak of forgeries on the Bank of England, or private forgery?—I do not know an instance of any private forgery; I speak of forging Bank of England notes.

Do

Philip Jacob, Esq. (13 May)

Do you know many instances of persons submitting to the loss, rather than prosecute?—Certainly, I do.

Have you observed in juries the same disinclination to convict in the case of uttering forged notes?—In two instances we were necessitated to find the prisoners guilty from the clearest evidence, though we certainly felt great reluctance in so doing.

Your reluctance arose from the excess of the punishment?—Certainly.

That reluctance would not have existed if the crime had been murder?—No, certainly not. I recollect an instance too at the January sessions last past, of a boy of the name of Thomas Watson, whom we found guilty of passing a forged bank note, but we recommended him to mercy on account of his youth, believing him to have been the dupe of some designing villain, but he was executed. Another instance was, a boy of the name of Edward Dent, aged 18; he was convicted on very clear evidence; and I was charged in delivering the verdict of guilty by my brother jurymen to say, that we lamented at the same time the facility with which Bank of England notes might be imitated; the boy, I understand, has since been executed.

Have the offences of horse and cattle-stealing come often under your notice as a juryman?—There was a man of the name of John Willett, who was tried for stealing 19 sheep; he was found guilty, but recommended to mercy for his former good character; but he was executed, though the same jury that convicted him used every exertion afterwards, by application to Lord Sidmouth, to save his life; the man was the father of several children.

Do the same observations that have been made relative to prosecuting in cases of forgery, apply equally to cases of cattle-stealing?—I think not altogether; I do not know why.

Do they apply in the case of stealing in dwelling-houses and shoplifting?—Numberless are the instances where people will not prosecute, where the indictments are laid capitally.

You have spoken of the reluctance of persons to prosecute in such cases; have you observed that reluctance on the part of juries to convict in cases of shoplifting and stealing in dwelling-houses?—I think, if any thing can be urged in favour of the prisoner, so as to soften down the offence, the jury will be inclined to favour the prisoner.

The general disposition of juries is to mitigate the severity of the law in such cases?—I think so.

Do you think that punishment would be more certain if the laws were less severe?—I think undoubtedly it would; indeed I have no doubt upon that head.

Mr. THOMAS LEWIS, formerly Merchant at No. 27, Queen-street, Cheapside, but now retired from business.

Mr. Thomas Lewis. (18 May.)

WHAT is your experience of the effect of the severity of the criminal laws in discouraging prosecutions and preventing convictions?—A housekeeper which I had in the year 1804, and who had lived with us about four years, I had occasion to discharge, in consequence of impertinence to her mistress; after she had gone a few days, insinuations were thrown out against her as to her integrity by the housemaid, her fellow servant. She had removed her boxes and effects but a small distance from my house. From those insinuations I was induced to take with me one of my young men; and, upon my visiting her apartments, I demanded of her, whether she had not taken from my house certain articles that did not belong to her. She at first stoutly denied her having been guilty of any misconduct; and upon my wishing to be satisfied of her innocence, by an inspection of her boxes, she refused me permission; but, upon my threatening her with a search warrant, and a peace officer, she instantly fell upon her knees and declared herself at my mercy, hoping that I would not prosecute her. I replied, I would make her no promises whatever, but instantly demanded she would unlock her boxes; on her doing so she turned out various articles belonging to my house, perhaps somewhere of the value of 30*s.*; on searching another box, I was greatly shocked and surprized to find it containing not less than twenty bottles of brandy, gin, hollands and sundry wines; also four or five pounds of tea, and perhaps six pounds of sugar; on my asking whence she got them, she, without hesitation, exclaimed, they were all mine, and intreated again I would show her mercy. I hesitated for some time, and did not know what answer to give her. I reflected on the

Mr. Thomas Lewis. (18 May.)

nature of the charge, for about half an hour; and, in the end, determined not to prosecute her, from the circumstances that must result to her upon a conviction, which was certain to take place; and, considering it was certain destruction to her, I at once made up my mind to dismiss her, and to take no further notice of the affair.

Was it the capital punishment that induced you to desist from prosecuting her?—Certainly.

Should you have had any hesitation, if the punishment had been less than death?—By no means; I should have prosecuted if the punishment had been any thing less than her destruction.

Have you made any other observations on the subject?—No.

Do you know, whether the same sentiments, as those you have expressed, prevail among your neighbours and acquaintance?—Certainly; I believe my neighbours and acquaintance would have acted as I have done; all my friends, to whom I related the circumstance, observed that they should have done as I did.

Have you any experience of the effect of the severity of the criminal laws, in cases of forgery?—No.

Do you know any thing of the general opinion upon that subject?—I certainly think, that no man would prosecute, if he could avoid it, in cases of forgery.

You allude particularly to traders in the city of London?—Precisely so.

Mr. *James Jennings*, of No. 18, Lower Charles-street, Northampton-square.

Mr. James Jennings.

YOU have lived for a considerable time in Somersetshire?—I was formerly there; I lived, till within the last two years, for upwards of sixteen years in Somersetshire.

In what part of Somersetshire?—Huntspill, near Bridgwater.

You kept a shop there?—I did, during the whole of that time.

Have you made any observation on the effect of the criminal laws, in discouraging prosecutions and preventing convictions?—I have had occasion to make many observations upon them, having suffered in consequence of theft.

Do you mean shop-lifting?—Not exactly so; but stealing from my shop.

And stealing from a dwelling-house?—I do not recollect, during the time I was in business, that I experienced a single instance of that kind; but of stealing from my shop, frequently; so much so, that I then believed it necessary, having detected two girls in theft, to prosecute them; they were very young, one was fourteen and the other eleven years of age. I attended the sessions, and there was a strong impression in the bench in favour of the youngest girl, that I should not offer evidence against her at all. I did not; and although our evidence against the girl of fourteen was completely full, yet, upon consulting with the bench, I did not adduce evidence against her, and she was in consequence acquitted. Her offence was stealing about three or four yards of printed cotton, from a broken pane of a window; that was the crime for which she was indicted; but she had also stolen about five pounds in money from off the shop-chest; of this I had no doubt, but of which I had no direct proof, except the confession of the two girls themselves.

Have you observed generally the disposition prevalent among your neighbours, and persons engaged in the same pursuits as yourself, relating to the severity of the criminal laws?—I have.

What is the result?—The general opinion is, that, except for murder, our criminal laws for the punishment of almost every species of crime, are too severe.

In cases of shop-lifting and privately stealing from the dwelling-house, is that the general feeling?—I think it is.

Do not traders and persons in the middling ranks of life suffer much from those depredations?—Very much.

Does the feeling of which you speak, prevail among those classes of persons?—Certainly, very much; there is also a similar feeling among the farming classes against excessive punishment.

Do not the farmers also suffer very much from depredations?—Very much in the fields and orchards.

Of what nature are those offences in the fields?—Such as breaking down fences, and carrying them away; stealing apples, potatoes, &c.

Have

Have you made any particular observations as to the three crimes of sheep-stealing, horse-stealing, and cattle-stealing?—I have observed, that in some instances where some persons are excessively vindictive, they are very liable to have their property stolen.

Mr. James Jennings. (18 May)

With respect to those offences, which the Committee presume are very prevalent in the country, viz. horse-stealing, sheep-stealing and cattle-stealing, have you made any observation particularly on the effect of the severity of the criminal laws in discouraging prosecutions?—The individuals suffering certainly are not often disposed to prosecute for those offences; there are many societies for the prosecution of felons existing in various parts of Somersetshire, I know; and, I believe, in other places; I believe all societies of that kind are mischievous from one reason or another, as they are generally organized, and the prosecutions prompted and conducted by attornies, and therefore the attorney has an interest in those prosecutions, which frequently would not take place if he did not promote them.

What do you particularly mean by mischievous?—I mean by mischievous, of course, the number of prosecutions which originate in those societies, not conceiving that those prosecutions answer the end desired, that is the prevention of crime; they are besides very expensive to the community.

Does the severity of the capital punishment tend to prevent prosecutions in the three crimes which you have just mentioned?—I have no doubt of it.

Have you made any particular observations upon that subject?—I knew a boy about fourteen years of age, who obtained possession by improper means of upwards of twenty fat lambs; he sold them within a few miles of the place whence he stole them; but the fraud was so apparent, that the person buying them gave information to the owner; who did not prosecute him, I apprehend, principally from a knowledge of the punishment to which he would be subjected. I also knew a person who had been convicted of horse-stealing, and within a few days after the conviction, his associate stole another horse from the same person who had convicted the criminal; I think he was executed.

Have you any other observations to make upon the effect of the severity of capital punishment in discouraging prosecutions?—I do not know that I have.

Mr. *Samuel Garrett,* Insurance Broker, of No. 12, Copthall-court, London.

Have you made any observation on the effect of the severity of capital punishment, in preventing prosecutions?—I can state two instances in respect to myself: about eighteen years ago my house was broken open, and all the plate, a time-piece, half a dozen shirts, and the whole of the shoes were stolen out; it was in the middle of the night that the burglary was committed, and in the morning the back-door was found fastened by one of the linen props, which was tied with a kind of knot used by bricklayers in building their scaffolds; from this we concluded that the robbery was committed by some persons who were employed at the next door; I declined prosecuting, as on inquiry it was ascertained that the robbers would be subject to capital punishment; I never took any method whatever, either to make the robbery known or to discover the robbers. Another instance was about nine years ago: some wet linen was taken from a garden where it was drying; on that occasion I applied to Armstrong, an officer of Worship-street, as to the best mode of recovering it; but finding that the punishment, if the party was convicted, would be capital, I desisted from prosecuting or taking any step whatever, and told Armstrong to make no inquiry about it. My reason for acting so in both cases was, that ever since I have been able to think upon the subject, I have been most decidedly of opinion, that capital punishments in similar cases are both unjust and impolitic, and that opinion is so firmly fixed in my mind, that if I were robbed fifty times I could not conscientiously prosecute the offenders, knowing that it would subject them to capital punishment.

Mr. Samuel Garrett.

Have you observed the same disposition prevail among your friends and acquaintance?—I have observed, among those I most respect and esteem, sentiments in unison with my own; and I have observed with great pleasure, that that opinion is rapidly diffusing itself among all those classes of society with which I have any communication.

Among the traders of the city of London, for instance?—I speak in respect of my own private circle of friends; but independently of that, I believe that it is very generally diffusing itself among all classes.

Mr. Samuel Garrett. (18 May.)

Have you made any observation with respect to the crime of forgery?—I think I can state with certainty, that so far as my own observation goes, there is not one person in twenty but shudders at the idea of inflicting the capital punishment in cases of forgery.

You are aware probably, that what are generally called prosecutions for forging Bank of England notes, are only prosecutions for uttering forged notes?—I am, and speak both to forging and uttering forged notes. I should feel myself bound in any case of robbery or forgery to prosecute, if the law inflicted any punishment upon the criminal short of death; but as I consider the capital punishment out of all proportion with the crime, I could not reconcile it either to my feelings of justice or to my conscience, to subject any individual to so severe a punishment in a mere case of property.

You apply your observations to mere offences against property, unattended with violence?—In my opinion, no crime short of murder merits the punishment of death; my opinion on that subject is, that all good legislation should respect the security of society and the reformation of the offender; I remember about seven or eight years ago, a man of the name of Jemmott piratically ran away with a vessel and cargo, amounting to not less than £.60,000; he was tried for the crime, convicted, and ordered for execution; many of the parties who had suffered by the loss, among whom I was one, conceiving that the punishment of death was too severe, exerted ourselves and obtained from the Government finally a commutation of the sentence for transportation; he was sent out to Botany Bay with his wife and family, and after he had been there I suppose a twelvemonth, perhaps more, his wife returned from Botany Bay to endeavour to induce the prosecutors to obtain for him permission to leave New South Wales, on condition of not returning, I believe, to any of the British dominions, but I cannot speak positively to that; but though they had exerted themselves strenuously to save his life, there was not a single individual, I believe, who did not distinctly negative the application. In the parish in which I live there is a society for the prosecution of felonies; I have been twice applied to to join it.

Did you join it?—I did not join it, for the simple reason I then stated, because the prosecutions were capital.

If the punishment had been less than death, should you have had any objection to join it?—Certainly not.

Mr. *Frederick Thornhill*, of Fish-street Hill, Hardwareman.

Mr. F. Thornhill.

HAVE you had any experience of the effect of the severity of the criminal laws, in discouraging prosecutions?—I have; about six years ago, a young lad lived with me and my brothers, who, after being in our employ six or seven months, we suspected to be dishonest, and shortly found that we had not judged him wrongly; he had purloined several silver spoons, and various other articles of value, as well as money; we charged him with the theft, and after much positive denial and great prevarication, he confessed that he was guilty. Anxious as we were, that some punishment should be inflicted upon him for this offence, we declined to prosecute, because, as the crime was made subject by law, to capital punishment, we could not, consistently with our ideas of justice, subject him to such a penalty. A similar circumstance took place about one year ago: another lad, who was in our service, stole from us a gold seal, several silver articles, and other property to a considerable amount. The same motive which induced us to forbear prosecuting the former individual, likewise restrained us from the prosecution of this offender. From my own personal knowledge, this is all that I can give in evidence; but I feel myself perfectly competent to vouch for other circumstances, equally connected with the subject under examination. Many years ago, a man, who was porter to my father, and had lived with him for a considerable period, carried away, at different times, various boxes, which he conveyed to the apartments where he resided; a suspicion of his honesty having been aroused in the person who let him those apartments, she made those suspicions known; upon this, an officer was sent for, the boxes were opened, and found to be filled with the property of his master. Being taken into custody, he was brought up and examined before the sitting alderman, by whose consent, at the intercession of my father, (who refused to prosecute as the offence was capital,) he was sent on board the navy. It may not be wholly irrelevant to add, that some years after this, my father received

Mr. F. Thornhill. (18 May.)

received a letter from him, expressing the warmest gratitude for his life having been spared, with the strongest assurances of his amendment; and from what I have heard and believe, he was ever after justly regarded as a very honest member of society.

In those cases, should you or your father have had any reluctance to prosecute, if the punishment had been less than death?—Not in the least; on the contrary, as a warning to others, as a mean of producing the moral improvement of the offender, and from a sense of duty to the public, we should both of us, I am satisfied, have felt ourselves imperatively called upon to have prosecuted the individuals in question, had the punishment provided by law for the crimes they had committed, been in any degree short of capital.

Does the same observation apply in any, and if so, in what degree, among your neighbours and acquaintance?—Among all reflecting individuals that I have had the pleasure to converse with upon the subject, I can confidently affirm that the same feeling prevails. I have found it, likewise, to be an almost universal sentiment, that excessive punishment tends very greatly to the production of crime, inasmuch as by restraining many individuals from prosecuting, the criminals thus suffered to escape, are led to hope that the same feeling will induce others to practise the same forbearance; and are thus frequently impelled to continue in courses so destructive to themselves and the happiness of society.

Have you observed that disposition not to prosecute, to prevail in the offences of shop-lifting, and privately stealing in a dwelling-house?—I have; I know many persons in the city of London, who have been great sufferers by such practices, and who have declared, that if the punishment for such offences had been any thing less than death, they would have regarded it as highly criminal in themselves, to have forborne prosecuting the offenders; but which they had felt compelled to abstain from in every instance, on account of the punishment being capital, and could not but continue to act upon the same principle of forbearance, unless there was some amelioration in the severity of the law. There is another reason, which I know would impel many individuals to prosecute, if the punishment were of a more lenient nature. It is the conviction that those individuals who have thus escaped, (besides its being a temptation for them to pursue the same courses,) by disseminating such instances of lenity amongst their companions, very frequently lead to the propagation of crime; since others are thereby induced, under this impression of security, to follow their destructive examples, in the commission of the most flagrant offences.

Have you made any observation on the prevalence of this disposition, a reluctance to prosecute in cases of forgery?—I believe it to be a very general and a very increasing feeling; and, from all I have been able to gather, I believe it to be the prevailing opinion, that a punishment of a more lenient nature would tend more effectually to prevent that crime, inasmuch as no feeling of forbearance would then cause any information to be withheld against suspected individuals; which, I am perfectly satisfied, is now not uncommonly the case. I can indeed mention one circumstance in point. A gentleman was some time back applied to, on account of a note which was forged, and which it was supposed had passed through his hands. By a mark which he had put upon it, he knew this to be the case. He was then requested to say from whom he had received it. From some circumstances, which he then recalled to his mind, he was apprehensive that the note had been passed to him, by a person knowing it to be forged. Though, therefore, he could easily have traced the individual, yet, as the punishment for such a crime was capital, he felt himself constrained to conceal every thing that could lead to the discovery of the party.

Was he a trader in the city of London?—He was; and I believe nothing would have led him to adopt such a line of conduct, but the severity of the punishment, which would inevitably have attended a conviction for such a crime.

From your knowledge of the sentiments entertained by the traders in the city of London, on that subject, do you conceive that many such instances must occur?—I do; in short, I know a great variety of cases, tending very strongly to corroborate the general opinion I have delivered.

Mr. *William Thornhill*, of Fish-street Hill, Hardwareman, being present at the examination of the last witness, was Examined, as follows:

Mr. William Thornhill. (18 May.)

HAVE you observed the same facts, and do you entertain the same opinion, as your brother and partner, the last witness?—I have observed the same, and am of the same opinion.

And you also believe the same opinion to prevail generally among traders of your acquaintance?—I am very confident it does.

James Harmer, Esq. called in; and Examined.

James Harmer, Esq.

YOU are a solicitor, residing in Hatton-garden?—I am.

You have had considerable experience in crown practice at the Old Bailey?—I have.

For how many years?—Twenty years, within a few months, for myself; and upwards of three years previous to that time in the office of Messrs. Fletcher and Wright, to whom I was last articled.

Have you any observations to make, with respect to the effect of capital punishment?—I have; first, as to forgery; it appears to me that the punishment of death has no tendency to prevent this crime. I have, in many instances, known prosecutors decline proceeding against offenders, because the punishment is so severe. Instances have come within my knowledge, of bankers and opulent individuals, who, rather than take away the life of a fellow creature, have compromised with the delinquent. Instances have occurred of a prosecutor pretending to have had his pocket picked of the forged instrument; in other cases prosecutors have destroyed, or refused to produced it, and when they have so refused, they have stated publicly that it was because the person's life was in jeopardy. I will relate a very recent circumstance, that occurred under my observation at the Old Bailey. A person, through whose hands a forged bill had passed, and whose appearance upon the trial was requisite to keep up the necessary chain of evidence, kept out of the way to prevent the conviction of the prisoner; it was a private bill of exchange. I also know another recent instance, where some private individuals, after the commitment of a prisoner, raised a thousand pounds for the purpose of satisfying some forged bills of exchange; and they declared, and I have good reason to know the fact, that if the punishment had been any thing short of death, they would not have advanced a farthing, because he was a man whose conduct had been very disgraceful; but they were friends to the man's family, and wished to spare them the mortification and disgrace of a relative being executed, and therefore stepped forward and subscribed the before-mentioned sum. I have frequently seen persons withhold their testimony, even when under the solemn obligation of an oath to speak the whole truth; because they were aware that their testimony, if given to its full extent, would have brought the guilt home to the parties accused; and they have therefore kept back a material part of their testimony. In all capital indictments, with the exception of murder and some other heinous offences, I have often observed prosecutors show great reluctance to persevere, frequently forfeiting their recognizances; and, indeed, I have, on many occasions, been consulted by prosecutors as to the consequences of refusing to conform to their recognizances, that is, to appear and prosecute the prisoner.

When you speak of the cases of murder and other heinous offences, do you mean offences accompanied with violence to the person, or which are likely in their consequences to inflict serious injury?—Certainly; those are the offences to which I allude; I know that many persons who are summoned to serve as jurymen at the Old Bailey, have the greatest disinclination to perform the duty on account of the distress that would be done to their feelings, in consigning so many of their fellow creatures to death, as they must now necessarily do, if serving throughout a session; and I have heard of some who have bribed the summoning officer to put them at the bottom of their list, or keep them out altogether, so as to prevent them from discharging this painful duty; and the instances, I may say are innumerable, within my own observation, of jurymen giving verdicts, in capital cases, in favour of the prisoner directly contrary to the evidence. I have seen acquittals in forgery, where the verdict has excited the astonishment of every one in Court, because the guilt appeared unequivocal, and the acquittal could only be attributed to a strong feeling of sympathy and humanity in the jury to save a fellow creature from certain death. The old professed

James Harmer, Esq. (18 May.)

professed thieves are aware of this sympathy, and are desirous of being tried, rather on capital indictments, than otherwise; it has frequently happened to myself in my communications with them, that they have expressed a wish that they might be indicted capitally, because there was a greater chance of escape. In the course of my experience, I have found that the punishment of death has no terror upon a common thief; indeed it is much more the subject of ridicule among them, than of serious deliberation; their common expressions among themselves, used to be, "such a one is to be twisted;" and now it is, "such a one is to be top't." The certain approach of an ignominious death does not seem to operate upon them, for after the warrant has come down for their execution, I have seen them treat it with levity. I once saw a man, for whom I had been concerned, the day before his execution, and on my offering him condolence and expressing my sorrow at his situation, he replied, with an air of indifference, "Players at bowls must expect rubbers." Another man I heard say, that it was only a few minutes, a kick and a struggle, and it was all over; and that if he was kept hanging for more than an hour, he should leave directions for an action to be brought against the sheriffs and others; and others I have heard state, that they should kick Jack Ketch in their last moments. I have seen some of the last separations of persons about to be executed, with their friends, where there was nothing of solemnity in it; and it was more like parting for a country journey than taking their last farewell. I heard one man say (in taking a glass of wine) to his companion, who was to suffer next morning, "Well, here's luck." The fate of one set of culprits, in some instances, had no effect even on those who were next to be reported; they play at ball, and pass their jokes, as if nothing was the matter. I mention these circumstances to show what little fear common thieves entertain of capital punishment; and that so far from being arrested in their wicked courses, by the distant possibility of its infliction, they are not even intimidated at its certainty; and the present numerous enactments to take away life, appear to me wholly inefficacious. But there are punishments which I am convinced a thief would dread, and which, if steadily pursued, might have the most salutary effect; namely, a course of discipline totally reversing his former habits. IDLENESS is one of the prominent characteristics of a professed thief—put him to labour:—DEBAUCHERY is another quality, abstinence is its opposite—apply it:—DISSIPATED COMPANY is a thing they indulge in; they ought, therefore, to experience solitude:—They are accustomed to UNCONTROLLED LIBERTY OF ACTION; I would, consequently, impose restraint and decorum: and were these suggestions put in practice, I have no doubt we should find a considerable reduction in the number of offenders; I say this, because I have very often heard thieves express their great dislike and dread of being sent to the House of Correction, or to the hulks, where they would be obliged to labour, and be kept under restraint; but I never heard one say he was afraid of being hanged. Formerly, before Newgate was under the regulations that it now is, I could always tell an old thief from the person who had for the first time committed crime; the noviciate would shudder at the idea of being sent to Newgate, but the old thief would request that he might be committed at once to that prison, by the magistrate, because he could there associate with his companions, and have his girl to sleep with him; which some years back used to be allowed or winked at by the upper turnkeys; but since the late regulations, certainly, I have not heard of such applications being made by thieves, because now they are as much restrained and kept in order in Newgate, as in other prisons. From my observation, I am quite certain that a thief cannot bear the idea of being kept under subordination. As to transportation, I with deference think, it ought not to be adopted, except for incorrigible offenders, and then it ought to be for life; if it is for seven years, the novelty of the thing, and the prospect of returning to their friends and associates, reconciles offenders to it, so that in fact, they consider it no punishment; and when this sentence is passed on men, they frequently say, "Thank you, my Lord." Indeed this is a common expression, used every session by prisoners, when sentenced to seven years transportation.

Have you any particular observations to make on the offences of stealing in shops, and privately stealing in dwelling-houses?—I have; the stealing in a dwelling-house above the value of 40*s.*, and privately stealing in a shop to the value of 5*s.*, is capital; and though I have frequently been present where the evidence has in my mind amounted to demonstration, and it has struck me that

James Harmer, Esq. (18 May.)

many of the articles were of such value as to imperiously call upon the jury for a verdict of guilty, they have from motives of compassion given a verdict contrary to such evidence, by reducing the value of the article stolen so low, as to lessen the offence to grand larceny.

What are the offences in which you think there is neither a general reluctance to prosecute or to convict?—Murder, arson, burglary, but not in its extended sense, such as breaking a pane of glass or lifting a latch, but where it is committed by a professed house-breaker, who breaks into a house in the middle of the night; highway robbery accompanied with violence, cutting and other offences under Lord Ellenborough's Act, where it is the clear intent of the offender to commit murder, but the interposition of Divine providence or accident, only prevents its accomplishment.

Do you not think that the offenders who have the least fear of death are the most dissolute and idle?—Certainly, they are.

And therefore the most likely to feel confinement and hard labour very much?—Certainly; I believe it would be felt by them as the greatest punishment that could be inflicted.

Have you made any observation with respect to the expense and trouble that might be saved to prosecutors, by trying accessaries after the fact in the same county with the principals?—I have; some years ago an act of parliament passed to enable the prosecutor to try the accessary *before* the fact, in the same county with the principal; this act has been found extremely useful; but it appears to me, that it would very much facilitate the purposes of justice, if the accessary *after* the fact were also to be liable to be tried with the principal, because prosecutors after convicting the principal in one county, are now frequently put to very great expense in being obliged to go to another county to prosecute the receiver, and have all the chances of a failure of justice, in losing their witnesses by death or other accidental causes.

Can you state the average number of persons for whom you have been professionally engaged yearly, at the Old Bailey?—I cannot with certainty, but on a moderate computation, I should think, one hundred prisoners yearly; and during my experience at the Old Bailey, I have had personal communication with two thousand or more prisoners.

Latterly you have been employed in many prosecutions also?—I have.

Have you not also had frequent opportunities of observing the feelings of prosecutors and of prisoners?—Certainly; for the last eight years my business for prosecutions has been progressively increasing.

But when you were employed professionally for the prisoners, had not you an opportunity of observing the feelings of prosecutors also?—Certainly; from attending the examinations, I had an opportunity of observing the wishes and feelings of prosecutors.

Are the Committee to understand you as stating, that you consider capital punishments to be efficacious only in those cases where the general feelings of the public go along with them?—Certainly; the thieves observe the sympathy of the public, and it seems to console them, and they appear less concerned than those who witness their sentence; I have been present on very many occasions when the sentence of death has been passed, and the criminals have been far less affected than the auditors.

Do you think that the general feeling goes along with the infliction of the punishment of death, in the cases of crime unaccompanied with violence?—Certainly, it does not.

Do you conceive that the infliction of the punishment of death in those cases, tends rather to excite the public feeling against the criminal laws?—No doubt it does; there are, I believe, very few advocates for the generality of the present capital punishments.

Do you mean to apply that observation to those who have had the most experience of the effect of those capital punishments?—I should think I might safely so apply it.

Mr. *William Collins*, called in; and Examined.

Mr. William Collins. (20 May.)

STATE your address and occupation?—Number 227, in the Strand, and I am a glass manufacturer.

Have you any experience on the effect of the severity of the penal laws, in discouraging prosecutions in certain offences?—Yes; it has rested on my mind for many years past.

Have

Mr. William Collins. (20 May.)

Have the kindness to state the result of any observations you have made?—About fifteen years since I was robbed to a very large extent; I believe, nearly to the amount of £.700.

By robbed, you mean goods to that amount were privately stolen from your shop?—Yes; I discovered the man that had robbed me, but the fear of visiting him with capital punishment prevented me from entering into the prosecution; I was satisfied, in fact, that nothing short of death would be the result of such a proceeding, and therefore I sent the man about his business, and declined entering further into it.

Have you any further observations?—I believe it is now about ten years since I was subject to many depredations on my property; and I thought it necessary to proceed against a man, who had robbed me, as an example to others. This man I prosecuted at the Old Bailey, and convicted him. The question asked by my solicitor, was, whether I would wish to indict him upon the capital charge. I said, if it affected the man's life, I would not for the world; and I, consequently, swore to property below forty shillings value. This man was convicted, and sent on board the hulks. Indeed, what I felt on that occasion, determined me to avoid, as far as lay in my power, entering into further prosecutions. I would wish to state, that I have always wished to avoid being called upon a jury at the Old Bailey. It is now seventeen years since, that a particular friend put my name down on the grand jury, which I accepted with a great deal of pleasure, knowing that it would prevent my being called upon at the Old Bailey sessions as a juryman, and for this reason; I was convinced, that in that situation I must violate the sanctity of an oath, or convict a fellow being to the punishment of death, for a robbery which would not exceed fifty shillings. It was this impression upon my mind, that induced me to accept the office of a grand juryman; for, I surely think, that the laws of God have never delegated to us to deprive a fellow being of existence, for so small an offence. I have consulted many of my friends on the same subject; and, I believe, there is not a single exception to sentiments agreeable to what I have now stated.

Among your friends there are a great many respectable traders in the cities of London and Westminster, in the same situation as yourself?—Yes.

They are peculiarly exposed to depredations, and they often serve on grand and petty juries?—Frequently.

Would you, or your friends, have any hesitation to prosecute, if the punishment had been less than capital, in the offences of which you have spoken?—The punishment of death I consider a very severe penalty.

If the punishment had been less than death, should you have hesitated to prosecute?—Not an instant.

The same thing was the case with the friends of which you have spoken?—Yes.

In the first case you have mentioned, you would have felt it your duty to prosecute?—Certainly, I should be far from screening crime; as an act of justice to the public at large, I consider it the duty of every individual to proceed against a criminal, where the punishment of death would not be the consequence of such offences.

Is that the general sentiment of persons in your class of life, with whom you are acquainted?—I have made inquiries of several reflecting men; and, as I before stated, they all agree in the same sentiments; there is not a case, indeed, that I can mention, wherein they have differed from that opinion.

Does that sentiment prevail to such an extent as, in your judgment, to prevent prosecutions and convictions for such offences?—I do consider it so.

Have you any other observations to make?—I have not.

May I ask you any thing about the public disposition, upon the subject of capital prosecutions and convictions for uttering forged bank notes?—I think the same feeling prevails with regard to forgery; the punishment of death is a very severe visitation for it; I think that feeling prevails in the same way that it does to other offences.

Do you mean by that, that there is a prevailing indisposition to prosecute in cases where persons have issued forged bank notes, on account of the severity of the punishment?—Decidedly for no other cause; it is a great crime, and certainly ought to be visited with severe punishment; I have suffered from it myself in two instances.

Mr. William Collins. (20 May.)

Will you be so good as to mention those instances?—The first was a forged bank note to the amount of £.5; it is possible, if I had taken particular pains to investigate from what source that note came, that I should have been able to trace it to its issuer; I could in fact have brought the person forward who had issued it, I declined doing so, knowing the penalty of death must be the result of it; if a milder punishment, if in fact any thing short of death could have been inflicted, I should have taken extraordinary pains to have brought the offender to justice; I put up with the loss rather than pursue it further, it was a trifling thing compared to the value of life: the second case was a check forged upon my banker, in which the same feelings operated upon my mind.

Mr. *William Crowther*, called in; and Examined.

Mr. William Crowther.

WHAT is your residence and business?—A cank currier, residing at No. 21, Thornhaugh-street, Bedford-square.

Have you any experience of the effect of the severity of the criminal laws, in preventing prosecutions and convictions in certain classes of offences?—Yes.

State the result of your experience?—We have not had a porter leave us for these twenty years, except for theft; but we have always avoided prosecution because the offence has been capital, except in one case, which was a boy about fifteen years of age who had robbed us of a trifling sum, about £.10; we prosecuted him, he was convicted, and sentenced for death; the pain and anxiety occasioned by that event, till we obtained for him the royal mercy, none can describe but ourselves, and which made us form a determination never to prosecute again for a similar offence.

The degree of risk which appeared to attend his life upon that occasion, was sufficient to deter you from ever prosecuting again for that offence?—Yes.

For the offence of stealing from your premises?—Yes.

Have these thefts sometimes been to a considerable amount?—Perhaps none of them have exceeded £.10; but I am not certain that any of them have not been more than 40*s*.

With respect to stealing from your premises, or stealing in your dwelling-house, have you been deterred by the consideration of the risk of life from prosecuting?—Yes.

Have you had an opportunity to know the general sentiments of persons, traders in the cities of London and Westminster, on that subject?—I think I have.

What is their general disposition?—Their general opinion is, that many of the criminal laws are defective in their principle, in their operation, and in their end; in their principle, as they proceed upon the severity of the punishment being sufficient to deter from the crime, which appears to be false in fact; in their operation, because they prevent prosecution for crime on account of the severity of the law; and in their end, because it is considered that the end of punishment should be rather reformation than destruction.

Would not the class of persons of whom you speak, consider their property in a more secure state, if the laws against it threatened a less punishment than death?—There is no doubt of it.

Are they peculiarly liable to depredations?—We are particularly subject to theft, because our premises are large, and we cannot very frequently be upon them.

Are not those persons you speak of, traders in London and Westminster, often grand and petty jurors?—Many are, no doubt.

With respect to the general disposition of that class of men as to forgery, what is the result of your observation?—A gentleman of my acquaintance some time ago received a bill of exchange for £.90 and upwards, it afterwards appeared to be a forgery; he consulted his friends, among which I was considered as one, what he had best do under these circumstances, and the general advice given, which advice he took, was to destroy the bill and lose the money rather than enter the prosecution.

Was he a gentleman in business in the city of London or Westminster?—He was.

Were the persons whom he consulted also in business?—In general.

What

Mr. William Crowther. (20 May.)

What was the number of persons he consulted?—Not less than eight or ten, to my knowledge.

Were they persons in a considerable way of business?—Yes.

Have you any other fact to state?—I think these are the general observations that I have made.

These observations are peculiarly applicable to offences without violence, are they not?—They are; it has frequently been observed, that if solitary confinement, temperance and labour, were substituted in the room of death, it would have a more salutary effect; that, I believe, is a pretty general opinion; but I think if solitary confinement were adopted, it should not be without the means of instruction; that every man so confined should, at least, have access to the Bible, which would be the only infallible rule of life, and the only certain ground of hope for futurity. It has been remarked by some of my acquaintance, that the reason why the criminals that have been convicted and been under sentence of death have been so little affected, is, that there are very few of that class of men that believe in a future existence, or at least have a serious sense of it; but the law is not made for the righteous but for the lawless, therefore it has to do with the worst of characters, and should be considered as suited to those characters.

If you were to receive in payment a forged note of the Bank of England, should you be prevented from prosecuting or informing the Bank of England, by the apprehension of the punishment of death?—I should.

If the punishment were less than death, would you be willing to co-operate with the bank in convicting the offender?—Undoubtedly.

Should not you consider it as your absolute duty?—Undoubtedly.

Does the same disposition with respect to bank notes prevail among many of your friends?—I believe it does.

In the circle of your acquaintance of tradesmen in London, would the majority entertain the same sentiments that you have now expressed?—I believe they would; I would not say every indvidual, but I believe the majority; I think I may say nine out of ten.

In those cases you have mentioned, in which you have not prosecuted, were you at all deterred by the expense or inconvenience it might possibly personally occasion you?—Not at all.

You consider, if the punishment were milder there would be a great increase in the number of prosecutions?—I think there cannot be a doubt of it; it is a self-evident fact, I think.

William Searle Bentall, Esq. called in; and Examined.

W. S. Bentall, Esq. (4 June.)

WHAT are you?—I am a banker, residing at Totness in Devonshire.

Have you any experience, or have you made any observations, upon the tendency of the punishment of death, to discourage prosecutions, and prevent convictions?—I think it has, very generally so; but it is merely from the observations I have made from suspicion; I have no proof of that; I have, as a banker, seen various instances of forgeries, which have not been prosecuted; I cannot say whether it was from a motive of saving expense, or from a fear that the party would be hanged, which they consider too severe a punishment.

Do you believe, that that fear was a considerable motive?—In many instances.

Has it occurred to yourself, in your own business?—Very lately one of my clerks was desired to swear to the hand-writing of a man; he came back and told me, 'I have no doubt of it; but if I were to swear to it, the man would be hanged; and I do not chuse to do it.'

Have you had any occasion to know, that the same impression prevails among other persons of your acquaintance?—I rather think so, I cannot possibly say; I can say nothing but from opinion.

The clerk to whom you alluded was not of the Society of Friends?—No, he was not.

Have you made the same observation with respect to any other offence besides forgery?—One day a man came and offered a bill to be discounted to us, signed by a Mr. Henry Tucker; this Henry Tucker kept an account with us, and we knew his hand-writing perfectly well, and told the man we were certain that was not his hand-writing; he took it away again; we did not stop him; but when this Henry Tucker came in, we informed him of the circumstance; shortly afterwards

W. S. Bentall, Esq. (4 June.)

wards he came and said, I have heard more of that bill since I saw you; very early one morning a man, a friend of mine, came into my farm court, and told me he was in great distress; he had something to communicate to me; I told him I was aware what he was come about; and he confessed the son had forged the bill; and he requested Mr. Tucker would acknowledge the transaction to save the man's life; now probably it was merely to save his life that he avoided the prosecuting him.

Have you any reason to believe he would have prosecuted him, if the punishment had been less?—I cannot say that; from friendship he might not have done it.

But in the first instance, when the bill was presented to you the man was acquainted with the forgery; what could have been his motive for not taking steps then for the prosecution?—He was a farmer, and rather an ignorant man, and he probably thought it might have been attended with inconvenience; it was only for £. 10 or £. 15.

Has it occurred to you, in other instances, to have forgeries upon you?—Not for some years; we had a few while the French prisoners were about us.

Are you aware of any forgeries upon other banks?—Yes, about a month since.

Can you state to the Committee any particulars relating to them?—A man came to apply for a sum of money for the purchase of a horse, which he stated to have been sold to a Mr. Wilkie, who kept an account at the bank; the clerk said he must have a written order, and asked particular questions; the man was extremely ready in stating where the stable was, and all the circumstances which led him to suppose it was a correct story; but, said he, I must have a note from Mr. Wilkie before I can pay the money; the man soon after came with a note, signed by Mrs. Wilkie; said the clerk, that is not Mr. Wilkie's handwriting; the man said, no, it is not, but Mr. Wilkie is gone out of town, and Mrs. Wilkie desired somebody to write it; and the clerk had seen the man before, and considered him an inoffensive man, and let him have the money; the man was taken up, and the clerk was desired to see him; and the clerk said, I certainly cannot swear to him; but after a little recollection, he said he thought he could; but in the mean time they had given an assurance that they would endeavour to save the man's life; they would have prosecuted him to the utmost, but for thinking his life was in danger; and I heard my brother say, if his life was in danger, he would destroy the paper altogether, that he would avoid prosecuting him rather than destroy his life; probably my brother was influenced by having made the man a promise, that if he would confess it, he would endeavour to save his life; they are now determined, I believe, to endeavour to save his life if they can, by avoiding bringing forward such evidence as would convict him; but for having taken up money on false pretences, they had no objection to prosecute him.

Do you happen to know, that if the offence had not been capital, your brother would have prosecuted him?—The clerk would not swear to him; but he was told, if he would confess, that they would endeavour to save his life, and then he produced the money, and that made the clerk more certain he was guilty.

But you know the impression of your brother's mind?—They would have prosecuted him under other circumstances.

Does your house circulate bank notes?—Yes.

Have there been no forgeries of those notes?—Not lately.

Have forgeries taken place of the country bank notes in your district frequently?—I only remember one instance of it, in Exeter, where the man was condemned.

You do not remember any forgeries in the county?—None since the French prisoners left.

In general the forgery of country bank notes is uncommon?—Very rare; forgeries of bank of England notes are constantly occurring.

Samuel Hoare, Esq. called in; and Examined.

Samuel Hoare, Esq. (5 June.)

YOU are a banker, the Committee understand?—I am.

The Committee suppose that gives you an opportunity of ascertaining what is the general feeling of mercantile men with regard to prosecutions?—It does.

Have you discovered any reluctance amongst mercantile men to engage in prosecutions where the punishment is death?—In most cases where the life of the

Samuel Hoare, Esq. (5 June.)

the criminal is endangered I have observed reluctance; but in cases of forgery more particularly perhaps than any other.

Have many cases occurred within your own experience?—A great many within my own experience; and, from my attention having been particularly called to the subject, I have known many others.

As a banker, would you deem your property less secure if the punishment for forgery were mitigated to something less than death?—Very far from it. I think the certainty of punishment which would follow an alteration of the law would add greatly to our security.

Do you happen to know whether this opinion which you have now expressed are opinions very generally prevalent among the merchants, and also among the smaller traders of London?—Whether this opinion prevails among the smaller traders, or not, I am unable to say; but when I hear of a great many cases of forgery, and see comparatively very few prosecutions for them, I am satisfied it is a universal sentiment.

You say you know of many forgeries being committed, and you hear but of few prosecutions; can you give any guess at, or form any estimate of the proportion of prosecutions which take place to the number of forgeries which are committed?—Bankers, when forged upon, are very unwilling to have it known. Under such circumstances, it is impossible to give even the roughest estimate of the number of forgeries committed; the number of prosecutions may always be known; I should think (though of course it is the roughest guess,) not one in twenty are prosecuted.

You say that there is a reluctance to prosecute among bankers; what reasons do you assign for this reluctance?—In the first instance, there are their own feelings; their unwillingness, for the sake of property, to take away the life of a fellow-creature; added to their unwillingness, the intercessions which are almost invariably made by the friends and connections of the bankers for the individuals committing forgeries, are generally well known to the parties concerned; and though they may feel comparatively little reluctance in punishing strangers with death, yet when they are in habits of intercourse with the friends of the individual who has committed the offence, it becomes far more painful.

Do you consider that the same reluctance would exist if the punishment were imprisonment and hard labour for a term of years?—I am satisfied of the contrary; there rather would be an earnest desire to prosecute.

You have said, that though you could not make a correct calculation, you conceived that nineteen cases out of twenty, of persons committing forgeries upon bankers, are not prosecuted. Do you think, that if the punishment were mitigated, that in nineteen cases out of twenty they would be prosecuted?—If the forgeries were to any considerable amount, I have no doubt that this would be the case.

Daniel Gurney, Esq. called in; and Examined.

Daniel Gurney, Esq. (11 June.)

YOU are a banker in Norfolk?—Yes, I am.

Do any instances occur to you, in which forgeries have been committed upon you, whether in your notes or checks?—A few; three or four.

In those instances have you been prevented from prosecuting, in consequence of the severity of the punishment?—Yes; in one or two instances we could not discover the offenders.

Should you have felt any hesitation in prosecuting, if the punishment had been less than death?—Certainly not.

Do you consider it would be your duty to assist the bank in a prosecution for forgery, or uttering forged bank of England notes?—No; certainly not.

Should you have any objection, if the punishment was not so severe?—No, probably not.

Have any cases occurred within your knowledge, of a man in the habit of committing forgery, who has not been prosecuted in consequence of the severity of the punishment?—Yes; lately in Norfolk a man committed several forgeries and was not prosecuted, in consequence of the capital punishment.

Is that man at present at large?—No; he is confined for debt.

He is confined for debt?—Yes.

Do you happen to know any persons on whom forgeries have been committed, who would not prosecute, in consequence of the severity of the punishment?—Yes, I do.

Daniel Gurney, Esq. (11 June.)

Do you consider that those persons would have prosecuted, if the punishment had been any thing less than death?—Yes; certainly they would.

Do any such instances occur to you, in which forgeries have been effected and not prosecuted, in the county of Norfolk?—Not immediately; except those I have already referred to.

What do you consider would be the best mode of preventing the circulation of forged bank notes?—It appears to me, that if in every town of sufficient importance, an agent was invested with full authority from the bank of England to stamp the forged notes that were presented to him, it would be a considerable check.

In case of a forged bank note being presented at your bank, would you prosecute the offender or not, in consequence of the severity of the punishment?—Certainly not, I think.

In case the punishment were less than death, would you prosecute?—Yes; we probably should.

Do you consider that your property would be more secure if the punishment were not so severe?—Yes; inasmuch as we should be more inclined to prosecute.

Do you consider the same sentiments prevail among many other persons?—Yes; but I conceive not universally.

Do you consider the same sentiments prevail among bankers and traders?—Yes, among many.

Do you think that your cashier is a competent person to judge, whether notes are forged or not?—Yes, certainly he is.

Does it often happen, that bank notes are received by your bank, without detecting that they are forged?—Now and then, not often.

Has any instance occurred, where any other motive has prevented a prosecution for forgery, than the punishment of death?—In one instance, I think it did; it was the first offence, and the offender had a very large family, so that we probably might not have prosecuted, even had the punishment been mitigated.

But in all other cases, the only motive you had for not prosecuting was the severity of the punishment?—Yes, the only motive.

Martis, 15° die Junij, 1819.

T. F. BUXTON, Esq. in the Chair.

Dr. *Lushington*, called in; and Examined.

Dr. Lushington. (15 June.)

YOU are engaged in the profession of the law?—I am, as a civilian.

Have any cases occurred to you, in which prosecution has been prevented by the severity of the law?—It happened to me some years ago to have a servant, who committed a robbery in my house of part of my property; it was under very aggravated circumstances, because he had for a great length of time been accustomed to take the money out of my purse whilst I was asleep; and he had also taken my clothes and some other articles; having reason to suspect him, I one evening marked a note, and when I arose in the morning, I found that that note was gone; I kept the man in the room until I had sent for a constable; upon the constable's arrival, I had him searched; the note was not to be found, but being perfectly satisfied it was impossible anybody else could have taken it, I told him I should take him before a magistrate, upon which he immediately, without my being able to prevent him, stated he would confess all. I said I would hear no confession, I should examine the articles entrusted to his care; upon which he said it was useless so to do, for I should find a great part of them already taken away; I then took him before the Sitting Magistrate at Guildhall, and finding that if I prosecuted him at all, it must be for the capital offence, I declined so to do, and had him sent on board the tender; previous to his going on board the tender, I paid him his wages that were due, and I then asked him, as I had no further intention of prosecuting, what had become of the note, and he had had the ingenuity to put it into my boot while I was in the room, and

at

Dr. Lushington. (15 June.)

at the bottom of my boot the note was found. I refused to prosecute for no other reason, but that I could not induce myself to run the risk of taking away the life of a man; he went on board the tender, and very shortly afterwards he made his escape, having, as I was afterwards informed, and am perfectly satisfied of the truth of that information, obtained his escape by means of the money I had paid him for his wages; he afterwards went out to the West Indies, where he became clerk to one of the Judges; he returned to this country, and I afterwards saw him; the man I had then living with me, knew him and spoke to him; he said he was not afraid I should do him mischief, for he said he thought I should never think of raking up a transaction gone by, and he continued to be, as I was informed, and have not the least doubt, a common pickpocket for years upon the town; what became of him eventually I do not know; had the punishment for his offence been any thing short of death, I should most undoubtedly have thought it my duty to have prosecuted him; my only reason for not prosecuting, was the severity of the punishment; not being in the nature of my profession, much conversant with criminal trials, I am not able to state any information as to the conduct of other individuals.

Do you happen to know, whether there is a prevalent disposition in the public at large, not to prosecute in cases where the punishment is death?—The conclusion of my last answer was made with reference to my professional avocations, as an individual; I do know, that in the minds of very many persons, there is a strong indisposition to prosecute, on account of the severity of the punishment; and I have heard from the mouths of prosecutors themselves, who have prosecuted for capital offences, when there was a danger of the person's being executed, the greatest regret that they had so done; and many times they have expressed a wish, that they had been able to have foreseen the consequences, in which case they would never have resorted to the laws of their country.

Did you ever happen to know, a case in which a prosecutor prosecuted a man to capital conviction, who was afterwards executed, in which the prosecutor afterwards expressed deep and poignant regret?—In the case of Knight, who was executed last February; I saw the prosecutor afterwards, and though I was particularly cautious to say nothing to him which might excite or aggrevate his feelings, he did express in words, but more especially by his countenance and manner, the greatest annoyance to the execution of the person he prosecuted.

Did he go so far as to say, that if he had expected the lad would have been punished capitally, he would not have prosecuted?—I think he did; I am almost certain of it; but I cannot charge my memory positively.

Do you happen to know any thing of the reluctance of prosecutors with regard to forgery?—I have a brother who was engaged in a banking house; a a man came into the shop, and tendered a draft for payment; he immediately discovered it to be a forged draft; but from reluctance to prosecute him for the offence, he only told him to go away, and come back for payment in an hour, which of course he never did.

Do you happen to know your brother's sentiments sufficiently, to be clearly convinced, that if punishment had been less than death, he would have thought it his duty to prosecute?—I think he would; but his reluctance to inflict the punishment of death was so great, that I am quite sure nothing would have induced him to have done it, not even if his whole property had been at risk.

You have had a great deal of experience with regard to prisoners confined in the gaols of the metropolis; have you ever had reason to believe, that the uncertainty of the law is an encouragement to crime, from the confession of prisoners?—I have had some experience; but from the confession of prisoners themselves, I do not recollect that I ever drew any such inference; from many other circumstances, and from conversations with them, I have no doubt that the fact is agreeable to the question asked me.

Mr. *Charles Attwood*, called in; and Examined.

Mr. Charles Attwood.

IN what line of life are you?—I am a manufacturer of window-glass at the Gates Head, near Newcastle on Tyne, and a seller of window-glass in London.

Have any cases occurred to you, in which prosecution has been prevented by the severity of the law?—I have heard mention from the parties of several such cases, but none have happened to myself.

Mr. Charles Attwood. (15 June.)

Have you heard of them in such a way, that you are yourself acquainted with the facts?—From the relation of the parties, which I do not doubt.

Can you state any of them to the Committee?—I am not able to state the particular circumstances so precisely as would satisfy the Committee.

Do you happen to know, whether there is in the country in which you reside, a general indisposition to prosecute in cases where the punishment is death?—I reside in London, and can speak to the sentiments of the traders in London and to those in the north of England; I know that there is a very considerable indisposition to prosecute in capital cases amongst the traders of London generally.

Does that apply to the more atrocious crimes, murder and robbery?—Not in the same degree, but I imagine it does in some degree; I apprehend there is a great reluctance to prosecute capitally in any case; in the case of murder I should not suppose it would produce any practical effect; it might distress the conscience of the prosecutor in some cases considerably.

Have you had any experience with regard to forged bank notes?—No, I have not.

Would you personally be disposed to render every assistance to the Bank, in detecting the issuer of a forged bank note?—I certainly should, independently of the consideration of the capital punishment.

Considering the punishment would be death, would that be sufficient to deter you from rendering assistance to the Bank?—Undoubtedly it would; I think the reluctance applies more particularly to cases of embezzlement, which are perhaps the most numerous.

With respect to these cases of embezzlement, do you think there is a decided reluctance to prosecute, as the law now stands?—I think there is a reluctance almost universal in the traders of London.

Do you think that reluctance would cease, if the punishment was mitigated to something less than death?—I have no doubt that it would cease principally; I do not think that it would cease altogether.

Is this reluctance confined to any particular class of persons, to any particular sect of religion, or is it extended to all?—It is generally extended, perhaps as generally amongst persons not particularly friendly to any denomination of religion as in any sect.

Isaac Lyon Goldsmid, Esq. called in; and Examined.

I. L. Goldsmid, Esq.

WILL you be good enough to inform us, Mr. Goldsmid, what business you are?—A broker to the bank, and to merchants.

You have much experience, I believe, in bankers transactions?—Yes.

Has it ever happened to you to know, whether persons are in many instances deterred from prosecutions for forgery, in consequence of the severity of the punishment, if they are convicted?—A circumstance occurred in my own family, in which I was induced to forbear from prosecuting, in consequence of the severity of the punishment.

Will you be good enough to state what that circumstance was?—Certainly. It was this: Mrs. Goldsmid was in the habit of giving her servant sums of money weekly, for the purpose of paying her bills, and she brought back forged receipts of the different tradespeople, to the amount of about £.25. When we discovered it, we sent two officers from Worship-street to take her up. After some search she was carried to the police office, and she there pleaded guilty, threw herself upon the ground, and begged for mercy. I then requested the magistrate to desire that she might be taken out of the room; and I then asked the magistrate, whether or not I could prosecute her for a fraud, or any thing less than what would affect her life. He told me, no, decidedly not. I was then, in consequence, induced from that circumstance to suffer her to be at large. I have only to state, that most assuredly, if I could have prosecuted her for any thing less than that which would have affected her life, I certainly should have done so. After that she endeavoured to get from another servant of mine £.25, which she said she had lent him; he denied the debt, and was taken to prison; and after being there for three weeks she did not appear against him, and he was in consequence discharged.

Was the money she said she had lent to him, the money which she had stolen from you?—I do not say so; but she had no other means, from the state of her poverty,

poverty, to have lent it him, if it was true she had lent it to him, which I doubt; but the money she had taken from me. After she left us, she went to another family, who were aware of the different forgeries that she had committed; and after being there for three days, she stole a quantity of linen from the family, and ran away. They had her taken up; but I believe they suffered her to escape from the same impression that induced me to let her go; and she is now, I am informed, a common prostitute on the town. *I. L. Goldsmid, Esq.* (15 June.)

You have probably had some experience with regard to the reluctance to prosecute for forgery, of bankers and the more opulent tradesmen in this town, when they know the punishment is death?—There is no doubt of it; and great exertions are generally made to awaken every kind of feeling that can possibly exist in the human breast, and those feelings would not be attempted to be excited, if the punishment were of a milder nature.

Do you think that the punishment of death has a tendency generally to prevent prosecution?—I have no doubt that is the case; and I should think you might have evidence of that being the case, in hundreds of instances, if you were to make any inquiry on the subject.

Have you had occasion to observe, that there is a reluctance to assist the bank in prosecuting persons who have issued forged notes?—Yes, I have observed that is the case; and I have no doubt, that it is in consequence of the severity of the punishment.

Do you think, that this indisposition to prosecute for forgery, when the punishment is capital, is prevalent among the leading merchants and bankers in London, to whom your experience is principally confined?—Wherever my experience has enabled me to decide, I have no doubt that that is the case. If my opinion were asked, I should say, that the height of punishment, for any thing short of murder, arson or rape, would be solitary confinement and constant labour. I have devoted a good deal of my attention to the subject, for the last fifteen years; and, as far as I can judge from experience, I think solitary confinement and constant labour would be the best means of preventing crime.

William Birkbeck, Esq. called in; and Examined.

IN what situation of life are you, Mr. Birkbeck?—I am a banker; residing at Settle, in the West Riding of Yorkshire. *W. Birkbeck, Esq.*

Pray are forged bank notes very prevalent in your neighbourhood?—Very much, indeed.

Can you propose to the Committee any plan, by which their circulation might be impeded?—It has frequently suggested itself to me, that if the bank of England had appointed, under the direction of the country bankers, in each place, a person who should be a kind of agent or referee, in all cases where notes of a doubtful description were tendered; and that that person should be authorized to put a mark upon them, indicating that they were forged, it would be the means of preventing their being attempted to be circulated, and it would probably throw them back on the original issuer so early, as to show him the futility of attempting to issue others of a similar description.

Do you think that the cashiers of country banks would be persons competent to undertake this task?—I think they would, in general.

Has the witness ever observed any indisposition in the people in the country, to take notes to the country banks, for fear of its being discovered that they were forged?—Not those who were the innocent holders of them, I think.

Do you conceive, that when a man has accidentally got into his possession a forged note, that he will not wish to pass it again without a discovery of its being a forgery?—No doubt, in many instances people will try to pass them again, even after they have been told at one banker's that they are bad.

Would persons in the low and middling stations of life, like to have their notes inspected by the person you have pointed out?—In our part of the country they are so anxious to have their notes inspected, that they seldom take them without immediately taking them to the bank to have them inspected. I would suggest, that probably it would be right to give every one an opportunity of leading to an investigation of a note, if he had not a very good opinion of it; as for instance, if he had a power to say to the person who tendered it to him, "I will take you up to the inspector, and we will have this note examined together

W. Birkbeck, Esq.
(15 June.)

ther, and so ascertain whether I am correct or not." I could state to the Committee, what would render it very difficult to effect any thing like a circulation of forged country bank notes to any extent. In the year 1812, we had forgeries of one pound notes on our bank, and we had reason to believe, from what came out afterwards, that there was not one circulated before the Wednesday, and on the Saturday we had intelligence from five different quarters of the forgeries, and some inclosed us specimens of the notes.

Did you receive intelligence who were the forgers?—No, certainly not; we were only told such notes were in existence, and we have not to this day found out who were the forgers.

Did you exert yourselves to find them out?—Yes. We had officers at Birmingham for a fortnight.

Did your inquiry prevent the further issue of these notes?—Yes, entirely. On the Saturday evening one of our friends took a person into custody, on suspicion, at Halifax; and in the course of the next week we had three other people in custody.

Whom you were able to prosecute?—Yes, and did prosecute them.

As issuers of these forged notes?—Yes, as issuers; and from the confession of a person under sentence of death in York Castle, some time after, who was one of the party concerned, it appeared that they had been so much intimidated by what had taken place, that they destroyed the whole of the forged notes in their possession at that time.

As a country banker, do you consider that your property would become less secure, if the punishment for uttering forged notes were altered from death to imprisonment, or transportation for life?—Not the least, I should think.

Do you think that would remove all reluctance to prosecute?—Entirely; it would certainly remove all reluctance to prosecute. In the cases I have alluded to, we were fortunate enough to have the sentence commuted to transportation for life.

Would the agent you have spoken of, as being employed to discover the forged notes, be a competent witness to prove their forgery in a court of justice?—He would not, I should think, as not being a resident in the bank.

Might it not then happen, that this agent might design a note to be forged, which, when it came to the trial, might prove not to be so?—His decision would not be final; and I should think the party would have a right to refer to the bank; but he would not lose the value, if upon inquiry it turned out that the agent was wrong in his opinion.

Would you have the agent put a mark upon the note on his decision?—Yes, unquestionably, to prevent its being circulated any further; I believe that the cashiers of country bankers in general know the forged notes exceedingly well.

Can you give us any information, as to the number of forged bank notes presented to your cashier in the course of a year?—I have not the least idea; but I have heard him say, that he has had from twenty to thirty presented to him of a morning, on market days, when the butchers from Liverpool and Lancashire come to purchase their cattle.

Can you tell us how many forged notes he took in the last year, without detecting that they were forgeries?—I believe two; and I could mention another fact, namely, that the trade in the country not requiring a large circulation of bank notes, we frequently have to send them up to London; and I never had one refused at the bank, which is a proof that he does not take them frequently; but it certainly would throw back a note on the first issuer.

Supposing the person who presents the note, knows of whom he received it?—Yes, if it be genuine, of course he keeps it; but if not, he returns it immediately to the person of whom he got it. If this practice were general, it would bring the notes to inspection immediately, and to detection, if the note was fictitious.

Do the notes that you have seen, which are forged, appear to have passed through many hands?—They are very frequently very much dirted, but that may be in a great measure from design; the thing is carried on to a great extent, and we once traced out five forged five pound notes to one man, and we informed the bank of England immediately of the circumstance.

George Boulton Mainwaring, Esq. called in; and Examined.

G. B. Mainwaring, Esq. (5 July.)

YOU are a magistrate for the county of Middlesex, are you not?—I am.

Of course that has led you to have considerable experience as to the state of crime in the Metropolis?—In the district in which I act, certainly.

Have you had reason to consider that there exists on the part of the Public any reluctance to engage in prosecutions?—Very considerable reluctance at times.

In what crimes is this reluctance most visible?—I think that the reluctance is most visible in capital crimes.

Does this reluctance exist with regard to prosecutions for forgery?—It has not fallen within my personal experience to have any prosecutions for forgery before me, excepting those of the bank. In those I have sometimes discovered a reluctance to give evidence; but the greater number of witnesses in those prosecutions testify to the mere transit of the notes from hand to hand.

Did you ever happen to ascertain what was the cause of this reluctance on their part?—I think that in this offence, as in most others where capital punishment may follow; the reluctance arises from the punishment of death being possibly consequent upon the offence.

Have you observed the same reluctance with regard to prosecutions in shop-lifting, and embezzlement in dwelling houses?—In these I have occasionally discovered a reluctance.

Does this reluctance to prosecute exist in cases of murder?—I never had before me a case of murder; but in crimes of an atrocious nature I have not discovered the same reluctance.

Have you observed, that prosecutors have inquired what would be the nature of the punishment when they have brought an offender before you?—Continually.

And has any difference existed in their proceedings, in consequence of finding that the punishment was capital?—Decidedly.

Then have they not been less ready to go forward with the prosecution in cases where they found the punishment capital, than in cases where they found the punishment was of a less nature?—Certainly: In such cases I have observed the disposition to prosecute to abate upon every re-examination; and have at times had considerable difficulty in compelling parties to prosecute, and have afterwards understood, from unquestionable authority, that they were determined to throw out the bill, though bound over by the magistrate. I am disposed to fear, that the apprehension of capital punishment adds in many cases to the facility of compounding felonies.

Do you, upon the whole, believe, that if the law were mitigated, and the penalty of many offences reduced to imprisonment, with hard labour, that this would be the means of producing more frequent prosecutions?—From the observations which I have just made, I believe that it would be the means of producing more frequent prosecutions. Punishments, to be universally operative, must be such as are in unison with the common feelings of humanity. A sense of public duty will seldom be sufficiently strong to supersede such feelings. Against crimes of an atrocious nature, the public mind will rise to the highest degree of punishment which the law can denounce. But against those which are the result of an artificial state of society, and to the commission of which, that state has produced the temptation; I apprehend that numbers forego prosecution altogether, and that many who do undertake it would stop short in its course rather than arrive at its awful termination, the death of the criminal. I beg not to be understood as palliating the enormity of this latter class of crimes, but as considering their comparative influence on the public mind. I feel fully justified in these observations, by my own experience. When the first impulses of resentment have subsided, the language of prosecutors very frequently is, that "they wish not to be severe, that they hope the present situation of the criminal will be a warning to him," and "that their object was to show him the danger to which he had exposed himself." I therefore think, that for most offences, hard labour is the best punishment; labour which shall really work the body, and subdue (properly discipline) the mind of the criminal. It is the best, in as much as it will raise in the public mind an expectation that reform may be the consequence of punishment, and thereby call forth numbers to prosecute under that expectation, who shrink with horror from being accessary to the death of a fellow-creature, however guilty.

G. B. Mainwaring, Esq. (5 July.)

Do you think that capital punishment has much tendency to deter the criminals of this Metropolis from the commission of offences?—I do not; I believe that it is well known to those who are conversant with criminal associations in this town, that criminals live and act in gangs and confederacies, and that the execution of one or more of their body seldom has a tendency to dissolve the confederacies, or to deter the remaining associates from the continuance of their former pursuits. Instances have occurred within my own jurisdiction to confirm me in this opinion. During one sitting, as a magistrate, three persons were brought before me, for uttering forged notes. During the investigation, I discovered that those notes were obtained from a room, in which the body of a person named Wheller (executed on the preceding day for uttering) then laid, and that the notes in question were delivered for circulation by a woman with whom he had been living. As incidental to the history of this case, I have learnt that the female in question has since been transported for life, and that a male associate (with whom she lived from the moment at which the law separated her from the convict alluded to) is now under commitment, for a robbery of great magnitude. This is a strong case; but I have no doubt that it is but one of very many others of a similar nature, which an intimate knowledge of police could furnish. I much fear that the observations which I have made upon the punishment of death apply with equal force to the present effects of other punishments under our criminal code. Transportation is, I believe, considered as little more than emigration to a distant land. It is not a subject of terror; and consequently is of little effect in its application to the crimes for which it is inflicted. I mean not to object to transportation, as a punishment which, in our present redundant population, is perhaps the most expedient (politically speaking) that can be inflicted upon criminals; but I think that its first and probationary period should be such as to have an appalling effect upon hardened and irreclaimable minds. At present, criminals go from the bar after sentence, with total indifference to the punishment, and with exulting insolence to the authorities by which it has been inflicted. Our prison discipline is also found to be completely inadequate to its object; it does not intimidate offenders, it does not reform them; it induces the same habits which have led to crime, the same idleness, and nearly the same facility for vicious intercourse with each other, with perhaps additional expertness for the prosecution of their future pursuits. What, then, is there in the system which is calculated to act upon the mind of a culprit? he knows what it is, and that there is nothing in it to fear, and the prosecutors also know, that it will operate neither as punishment or reform. I should say rather, in their daily language, that "prison will make the prisoner worse," and that they hope "an opportunity may still be given him to repent and reform." It therefore follows, as an inevitable consequence, that some system should be tried, which will be better calculated to ameliorate the moral condition of that part of society of which I have been speaking; and I think, as I said before, that hard labour, with solitary confinement, both regulated according to circumstances, constitute the only punishment which is likely to produce that effect; they are more dreaded than any other. The Penitentiary, and the Hulks, are the most feared, because in them there is the most coercion. I could wish to make the distinction between crimes of instantaneous impulse, and those which are the result of calculation. The facilities and incitements to the commission of the former are so frequent, that no punishment can altogether prevent them; they can only be materially diminished by an effective police; but I think that much indeed may be done towards the prevention of the latter class, by a moderate and certain punishment, judiciously adapted to the offence. But it must be *certain*;—upon the principle that no man would be a gamester if he were sure to lose, so comparatively few would be criminals, if detection and punishment were the instant and sure consequence of crime. The favourable chances must be destroyed as much as possible. With reference to what I have stated in the beginning of my observations upon the effect of capital punishment, I fear that they may be in discordance with the opinions of many professional men, with better knowledge and experience than my own. Those conversant with the Old Bailey practice have observed a diminished calendar to succeed a session which had been attended with executions. But I do not consider this to be a criterion of the decrease of crime; I apprehend that it is the contrary; that the

the executions had of themselves deterred prosecutors, upon the feelings and principles which I have before described. *G. B. Mainwaring, Esq.* (5 July.)

Then you would infer rather the decrease of prosecutions than the decrease of crimes?—Certainly; and I conceive that magistrates, in their incipient jurisdiction, have more opportunity of ascertaining the disposition of prosecutors, and of observing the working of their minds, than those who see the cases in their last stages, where the parties are compelled to proceed; and I also think that solicitors and those persons who have private intercourse with the parties engaged in prosecutions, would be enabled to afford better information upon this part of the subject, than even the magistrates themselves.

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APPENDIX.

Appendix, No. 1.

A STATEMENT of the Number of Persons charged with Criminal Offences, who were committed to the different Gaols in *England* and *Wales*,

For Trial, at the Assizes and Sessions held for the several Counties, Cities, Towns, and Liberties therein, from the Year 1805 to the Year 1818, both inclusive; distinguishing the Number in each Year, the Number Convicted, Acquitted, Against whom No Bills were Found, and who were Not Prosecuted; and the nature of the Crimes respectively of which they were Convicted, &c. from the Year 1810 to the Year 1818, both inclusive; together with the Sentences of those Convicted; and the Number Executed;

VIZ.

I. — Number of Persons Committed, Convicted, Sentenced, Acquitted, &c. &c.

II. — Number of Persons Convicted, and the nature of their CRIMES.

III. — Number of Persons Acquitted - - - - - - D°.

IV. — Number of Persons against whom No Bills found, and Not Prosecuted - - - - - - D°.

V. — Total Number of Persons for Trial - - - D°.

VI. — Total Number of Persons Executed.

VII. — Number of Persons committed for Trial to different Gaols in England and Wales, &c. 1805—1818.

VIII. — OBSERVATIONS.

Appendix, No. 1. - - - - -

I.—NUMBER OF PERSONS COMMITTED,

IN THE YEARS	1805.	1806.	1807.	1808.	1809.
	Number of Persons.	Number of Persons.	Number of Persons.	Number of Persons.	Number of Persons.
COMMITTED FOR TRIAL:					
Viz. MALES	3,267	3,120	3,159	3,332	3,776
FEMALES	1,338	1,226	1,287	1,403	1,554
TOTAL	4,605	4,346	4,446	4,735	5,330
CONVICTED AND SENTENCED:					
To Death*	*350	*325	*343	*338	*392
Transportation for Life	- -	- -	- -	3	7
- - - - - 14 Years	34	26	46	37	50
- - - - - 10 Years	- -	- -	- -	- -	- -
- - - - - 7 Years	561	496	500	467	581
Imprisonment, *(and severally to be Whipped, Fined, Pilloried, kept to Hard Labour, &c. &c.)* — 5 Years	- -	- -	- -	- -	- -
4 Years	1	- -	- -	1	2
3 Years	4	4	5	6	- -
2 Years, and above / 1 Year	123	100	118	99	123
1 Year, and above / 6 Months	333	294	261	333	365
6 Months and under	1,219	1,158	1,161	1,308	1,555
Whipping, and Fine	158	112	133	131	163
CONVICTED	2,783	2,515	2,567	2,723	3,238
ACQUITTED	1,092	1,065	1,078	1,126	1,205
NO BILLS FOUND and NOT PROSECUTED	730	766	801	886	887
TOTAL	4,605	4,346	4,446	4,735	5,330
* Of whom were Executed	*68	*57	*63	*39	*60

* *See* p. 132, for the *Crimes* for which they were Executed.

- - - - - Appendix, No. 1.

CONVICTED, SENTENCED, ACQUITTED, &c. &c.

1810.	1811.	1812.	1813.	1814.	1815.	1816.	1817.	1818.
Number of Persons.	Number of Persons.	Number of Persons.	Number of Persons.	Number of Persons.	Number of Persons.	Number of Persons.	Number of Persons.	Number of Persons.
3,733	3,859	4,891	5,433	4,826	6,036	7,347	11,758	11,335
1,413	1,478	1,685	1,731	1,564	1,782	1,744	2,174	2,232
5,146	5,337	6,576	7,164	6,390	7,818	9,091	13,932	13,567
*476	*404	*532	*713	*558	*553	*890	*1,302	*1,254
12	29	25	50	53	38	60	103	122
31	34	67	95	78	94	133	157	236
- -	- -	- -	- -	- -	- -	- -	- -	2
526	500	588	622	625	826	861	1,474	1,692
1	- -	- -	- -	- -	- -	3	1	—
- -	- -	1	- -	- -	1	—	—	—
5	4	5	6	11	7	16	25	7
138	141	211	229	177	229	249	238	259
424	381	492	590	525	666	704	1,079	1,026
1,397	1,523	1,797	1,934	1,861	2,315	2,691	4,357	4,125
148	147	195	183	137	154	190	320	235
3,158	3,163	3,913	4,422	4,025	4,883	5,797	9,056	8,958
1,130	1,234	1,494	1,451	1,373	1,648	1,884	2,678	2,622
858	940	1,169	1,291	992	1,287	1,410	2,198	1,987
5,146	5,337	6,576	7,164	6,390	7,818	9,091	13,932	13,567
*67	*45	*82	*120	*70	*57	*95	*115	*97

Appendix, No. 1.—*continued.*

II.—NUMBER OF PERSONS CONVICTED.

NATURE of the CRIMES of which they were Convicted; in the Years	1810. Number of Persons.	1811. Number of Persons.	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
ARSON, and other wilful Burning of Property	1	2	6	6	6	4	8	11	7
BIGAMY	14	15	17	19	24	24	9	25	21
BURGLARY	88	76	93	165	90	119	216	374	346
CATTLE Stealing	14	3	12	10	13	10	13	25	27
——— Maliciously Killing and Maiming	- -	1	1	1	1	- -	1	—	—
CHILD Stealing	- -	- -	- -	- -	- -	4	- -	5	1
COIN, Counterfeiting the Current	4	3	4	15	16	9	17	2	—
——— Putting off and Uttering Counterfeit	73	89	131	150	115	167	149	260	239
——— D° (*having been convicted as Common Utterers*)	6	2	3	4	8	2	- -	1	3
EMBEZZLEMENT (*by Servants*)	18	21	25	21	31	28	32	38	27
FORGERY, and Uttering	27	26	39	48	25	21	43	62	86
FORGED Bank Notes, Having in Possession, &c.	16	17	28	47	38	50	80	100	155
FRAME BREAKING, and Destroying Machinery	- -	- -	12	- -	- -	- -	10	8	—
FRAUDULENT Offences	72	55	82	89	71	115	90	162	129
GAME Laws, Offences against	- -	- -	- -	- -	- -	- -	- -	127	110
HORSE Stealing	58	56	46	82	66	65	62	75	130
HOUSEBREAKING in the Day-time, and Larceny	47	30	40	60	53	53	77	152	150
LARCENY, Simple	2,269	2,326	2,777	3,006	2,813	3,529	4,093	6,420	6,459
——— in Dwelling Houses, to the Value of 40 *s.*	67	65	69	84	86	86	122	143	142
——— in Shops, &c. Privately, to the Value of 5 *s.*	27	16	33	34	35	34	36	27	41
——— on Navigable Rivers, &c. to the Value of 40 *s.*	5	3	9	4	3	2	4	7	2
——— of Naval Stores, to the Value of 20 *s.*	4	2	2	3	3	1	5	2	4
——— from Bleaching Grounds, &c.	3	6	3	17	2	- -	9	11	5
——— from the Person	64	85	98	135	167	151	224	257	282
LETTERS containing Bank Notes, &c. Secreting and Stealing	2	3	4	3	2	2	4	2	—
——— Sending Threatening	1	- -	3	2	1	2	1	—	—
MAIL Robbery	- -	3	- -	2	—	—	—	—	—
MANSLAUGHTER	39	37	24	25	48	31	35	41	38
MURDER	15	8	19	29	25	15	30	25	13
——— Shooting, Stabbing, and administering Poison, with intent to	13	10	8	5	16	8	15	26	6
——— Concealing the Birth of their Infants	12	5	6	8	9	8	9	8	10
OATH Unlawful, taking and administering	- -	- -	15	6	- -	- -	1	—	—
PERJURY	3	1	2	3	1	5	1	4	1
PIRACY	- -	- -	- -	- -	- -	- -	4	—	—
PRISONERS of War, aiding the Escape of	- -	- -	- -	22	2	—	—	—	—
RAPE, &c.	2	5	3	5	5	12	8	6	2
——— Assault, with intent to commit	16	15	13	15	17	27	22	25	18
RIOT, and Feloniously demolishing Buildings	- -	- -	- -	7	—	—	—	—	—
ROBBERY on the Person, on the Highway, and other Places	39	32	65	51	58	43	138	154	107
SACRILEGE	1	2	4	1	1	2	2	3	7
SHEEP Stealing, and Killing with intent to Steal	39	47	41	82	51	48	79	169	177
SODOMY	5	2	1	2	5	10	2	2	1
——— Assault, with intent to commit, and other Unnatural Offences	29	15	17	22	14	10	15	10	13
STOLEN Goods, Receiving	29	46	63	66	70	82	66	135	126
TREASON, High	- -	- -	8	1	- -	- -	- -	23	—
TRANSPORTS, being at large, &c.	14	5	16	10	9	8	5	7	3
FELONY, and MISDEMEANOR (*not otherwise described*)	22	28	71	55	45	96	60	122	70
TOTAL Number Convicted, in each Year	3,158	3,163	3,913	4,422	4,025	4,883	5,797	9,056	8,958

Appendix, No. 1—*continued.*

III.—NUMBER OF PERSONS ACQUITTED.

NATURE of the CRIMES of which they were Tried and Acquitted; in the Years	1810. Number of Persons.	1811. Number of Persons.	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
ARSON, and other wilful Burning of Property	3	5	21	7	9	8	17	8	8
BIGAMY	3	7	5	1	3	6	2	6	4
BURGLARY	47	40	30	64	51	61	107	161	140
CATTLE Stealing	2	1	3	4	- -	1	3	4	13
——— Maliciously Killing and Maiming	1	2	- -	2	- -	3	6	6	5
CHILD Stealing	- -	- -	- -	- -	- -	1	2	- -	1
COIN, Counterfeiting the Current	2	2	3	11	1	5	6	1	—
——— Putting off and Uttering Counterfeit	27	23	46	18	28	26	30	51	45
EMBEZZLEMENT *(by Servants)*	10	16	13	10	9	17	19	27	25
FORGERY and Uttering	15	22	24	29	15	19	27	24	52
FORGED Bank Notes, Having in Possession, &c.	- -	2	7	1	1	- -	5	13	4
FRAUDULENT Offences	20	20	30	31	15	40	28	48	37
FRAMEBREAKING, and Destroying Machinery	- -	- -	6	- -	- -	1	—	—	—
GAME LAWS, Offences against	- -	- -	- -	- -	- -	- -	- -	22	19
HORSE Stealing	16	11	12	15	18	19	15	25	26
HOUSEBREAKING in the Day-time, and Larceny	12	13	17	24	13	19	23	46	30
LARCENY, Simple	663	728	851	795	827	1,003	1,097	1,572	1,602
——— in Dwelling Houses, to the Value of 40*s.*	34	32	30	39	35	44	57	42	41
——— in Shops, &c. Privately, to the Value of 5*s.*	13	15	24	26	26	15	11	17	24
——— on Navigable Rivers, &c. to the Value of 40*s.*	4	4	1	1	3	6	3	—	—
——— from Bleaching Grounds, &c.	2	2	1	1	- -	- -	1	1	—
——— of Naval Stores, to the Value of 20*s.*	- -	- -	- -	- -	- -	- -	- -	- -	1
——— from the Person	25	53	47	81	69	41	74	125	110
LETTERS containing Bank Notes, &c. Secreting and Stealing	- -	1	- -	3	- -	1	2	—	—
——— Sending Threatening	2	- -	2	- -	- -	1	1	1	1
MANSLAUGHTER	19	27	22	22	29	25	25	24	21
MURDER	30	56	31	26	36	31	42	37	23
——— Shooting, Stabbing, and administering Poison with intent to	14	14	17	9	27	17	38	24	28
OATH Unlawful, taking and administering	- -	- -	47	2	—	—	—	—	—
PERJURY	3	3	5	3	2	3	2	6	6
PIRACY	- -	- -	- -	- -	- -	- -	2	—	—
PRISONERS of War, aiding the Escape of	- -	- -	- -	8	2	—	—	—	—
RAPE, &c.	6	16	13	12	9	11	11	12	13
——— Assault, with intent to commit	4	1	- -	4	3	7	3	6	6
RIOT, and feloniously demolishing Buildings	- -	- -	- -	4	- -	6	—	—	—
ROBBERY on the Person, on the Highway, and other Places	39	35	64	45	32	52	80	89	74
SACRILEGE	- -	1	- -	- -	1	- -	- -	2	1
SHEEP Stealing, and Killing with intent to Steal	34	18	15	25	28	26	25	81	55
SODOMY	5	5	2	4	- -	4	2	1	5
——— Assault, with intent to commit, and other Unnatural Offences	5	3	10	4	4	- -	1	6	4
STOLEN Goods, Receiving	54	41	55	76	47	80	86	123	152
TREASON, High	- -	- -	5	- -	1	- -	- -	16	—
TRANSPORTS, being at large, &c.	1	1	- -	- -	- -	- -	1	—	—
FELONY and MISDEMEANOR *(not otherwise described)*	15	14	35	44	29	49	30	51	46
TOTAL Number of Persons Acquitted, in each Year	1,130	1,234	1,494	1,451	1,373	1,648	1,884	2,678	2,622

Appendix, No. 1—*continued.*

IV.—NUMBER OF PERSONS AGAINST WHOM NO BILLS FOUND, AND NOT PROSECUTED.

NATURE of the CRIMES with which they were Charged; against whom No Bills were found; and who were not Prosecuted; in the Years	1810. Number of Persons.	1811. Number of Persons.	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
ARSON, and other wilful Burning of Property	11	5	4	5	9	1	8	11	6
BIGAMY	1	4	5	5	6	2	5	5	4
BURGLARY	22	24	33	53	22	24	37	92	32
CATTLE Stealing	1	–	2	2	1	–	4	1	3
——— Maliciously Killing and Maiming	2	1	6	1	2	1	4	1	1
CHILD Stealing	–	–	–	–	–	–	–	1	–
COIN, Counterfeiting the Current	2	–	2	3	4	5	5	–	3
——— Putting off, and Uttering Counterfeit	9	16	18	17	13	28	20	34	34
EMBEZZLEMENT (*by Servants*)	3	5	6	5	10	6	4	15	8
FORGERY, and Uttering	6	11	6	6	7	12	12	12	35
FORGED Bank Notes, Having in Possession, &c.	1	1	4	–	–	1	2	11	4
FRAUDULENT Offences	12	17	18	26	16	20	26	39	42
FRAMEBREAKING, and Destroying Machinery	–	–	3	4	–	–	–	–	–
GAME Laws, Offences against	–	–	–	–	–	–	–	19	15
HORSE Stealing	6	13	10	10	8	7	13	14	12
HOUSEBREAKING in the Day-time, and Larceny	9	10	9	13	4	12	9	31	27
LARCENY, Simple	598	635	735	822	619	877	933	1,404	1,242
——— in Dwelling Houses, to the Value of 40*s.*	18	25	29	17	12	30	23	22	34
——— in Shops, &c. Privately, to the Value of 5*s.*	1	6	9	7	6	1	5	8	16
——— on Navigable Rivers, &c. to the Value of 40*s.*	–	1	5	–	5	2	–	2	2
——— from Bleaching Grounds, &c.	2	1	–	2	–	–	1	1	–
——— of Naval Stores, to the Value of 20*s.*	–	–	–	–	–	–	–	–	3
——— from the Person	47	56	69	56	75	85	104	137	159
LETTERS containing Bank Notes, &c. Secreting and Stealing	–	–	4	–	–	3	2	1	–
MANSLAUGHTER	1	1	3	8	7	12	4	3	3
MURDER	19	23	16	32	19	15	13	18	15
——— Shooting, Stabbing, and administering Poison, with intent to	1	5	10	4	8	6	10	14	8
——— concealing the Birth of their Infants	–	–	–	–	–	2	–	2	1
OATH Unlawful, taking and administering	–	–	9	2	–	–	1	–	–
PERJURY	1	–	4	3	1	2	2	4	8
PRISONERS of War, aiding the Escape of	–	–	–	13	–	–	–	–	–
RAPE, &c.	16	5	13	18	14	12	17	29	8
——— Assault, with intent to commit	3	3	9	11	14	8	8	11	3
RIOT, and feloniously demolishing Buildings	–	–	–	3	–	–	–	–	–
ROBBERY on the Person, on the Highway, and other Places	19	26	28	21	19	33	28	33	41
SACRILEGE	–	–	–	–	–	–	–	2	1
SHEEP Stealing, and Killing with intent to Steal	9	13	15	18	13	11	21	56	45
SODOMY	2	5	5	1	2	10	4	5	10
——— Assault, with intent to commit, and other Unnatural Offences	7	4	10	7	10	5	11	11	6
STOLEN Goods, Receiving	12	19	24	42	24	32	39	77	58
TRANSPORTS, being at large, &c.	1	1	–	–	–	–	1	–	1
FELONY and MISDEMEANOR (*not otherwise described*)	16	4	46	49	37	22	34	72	47
TOTAL Number of Persons, in each Year, against whom No Bills were found, and who were Not Prosecuted	858	940	1,169	1,291	992	1,287	1,410	2,198	1,987

Appendix, No. 1.—*continued.*

V.—TOTAL NUMBER OF PERSONS COMMITTED FOR TRIAL.

NATURE of the CRIMES with which the Total Number of Persons for Trial were charged; in the Years	1810. Number of Persons.	1811. Number of Persons.	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
ARSON, and other wilful Burning of Property	15	12	31	18	24	13	33	30	21
BIGAMY	18	26	27	25	33	32	16	36	29
BURGLARY	157	140	156	287	163	204	360	627	568
CATTLE Stealing	17	4	17	16	14	11	20	30	43
——— Maliciously Killing and Maiming	3	4	7	4	3	4	11	7	6
CHILD Stealing	- -	- -	- -	- -	- -	5	2	6	2
COIN, counterfeiting the Current	8	5	9	29	21	19	28	3	3
——— Putting off, and Uttering Counterfeit	115	130	198	189	169	223	199	346	321
EMBEZZLEMENT *(by Servants)*	31	42	44	36	50	51	55	80	60
FORGERY, and Uttering	48	59	69	83	47	52	82	98	173
FORGED Bank Notes, Having in possession, &c.	17	20	39	48	39	51	87	124	163
FRAUDULENT Offences	104	92	130	146	102	175	144	249	208
FRAMEBREAKING, and Destroying Machinery	- -	- -	21	4	- -	1	10	8	–
GAME Laws, Offences against	- -	- -	- -	- -	- -	- -	- -	168	144
HORSE Stealing	80	80	68	107	92	91	90	114	168
HOUSEBREAKING in the day time, and Larceny	68	53	66	97	50	84	109	229	207
LARCENY, Simple	3,530	3,689	4,363	4,623	4,259	5,409	6,123	9,396	9,303
——— in Dwelling Houses, to the value of 40*s.*	119	122	128	140	133	160	202	207	217
——— in Shops, &c. privately, to the value of 5*s.*	41	37	66	67	67	50	52	52	81
——— on Navigable Rivers, &c. to the value of 40*s.*	9	8	15	5	11	10	7	9	4
——— from Bleaching Grounds, &c.	7	9	4	20	2	- -	11	13	5
——— of Naval Stores, to the value of 20*s.*	4	2	2	3	3	1	5	2	8
——— from the Person	136	194	214	272	311	277	402	519	551
LETTERS, containing Bank Notes, &c. Secreting and Stealing	2	4	8	6	2	6	8	3	–
——— Sending Threatening	3	- -	5	2	1	3	2	1	1
MAIL Robbery	- -	3	- -	2	–	–	–	–	–
MANSLAUGHTER	59	65	49	55	84	68	64	68	62
MURDER	64	87	66	87	80	61	85	80	51
——— Shooting, Stabbing, and administering Poison, with Intent to	28	29	35	18	51	31	63	64	42
——— Concealing the Birth of their Infants	12	5	6	8	9	10	9	10	11
OATH, Unlawful, taking and administering	- -	- -	71	10	- -	- -	2	–	–
PERJURY	7	4	11	9	4	10	5	14	15
PIRACY	- -	- -	- -	- -	- -	- -	6	–	–
PRISONERS of War, aiding the Escape of	- -	- -	- -	43	4	–	–	–	–
RAPE, &c.	24	26	29	35	28	35	36	47	23
——— Assault, with Intent to commit	23	19	22	30	34	42	33	42	27
RIOT, and feloniously demolishing Buildings	- -	- -	- -	14	- -	6	–	–	–
ROBBERY on the Person, on the Highway and other Places	97	93	157	117	109	128	246	276	222
SACRILEGE	1	3	4	1	2	2	2	7	9
SHEEP Stealing, and Killing with intent to Steal	82	78	71	125	92	85	125	306	277
SODOMY	12	12	8	7	7	24	8	8	16
——— Assault with Intent to commit, and other Unnatural Offences	41	22	37	33	28	15	27	27	23
STOLEN Goods, Receiving	95	106	142	184	141	194	191	335	336
TREASON, High	16	- -	13	1	1	- -	- -	39	–
TRANSPORTS being at large, &c.	- -	7	16	10	9	8	7	7	4
FELONY and MISDEMEANOR *(not otherwise described)*	53	46	152	148	111	167	124	245	163
TOTAL Number of Persons for Trial, in each Year	5,146	5,337	6,576	7,164	6,390	7,818	9,091	13,932	13,567

Appendix, No. 1.—*continued.*

VI.—TOTAL NUMBER OF PERSONS EXECUTED.

NATURE of the CRIMES for which the Executions took place; in the Years	1805. Number of Persons.	1806. Number of Persons.	1807. Number of Persons.	1808. Number of Persons.	1809. Number of Persons.	1810. Number of Persons.	1811. Number of Persons.	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
ARSON, and other wilful Burning of Property	2	- -	- -	1	- -	- -	1	5	3	3	1	2	8	3
A BANKRUPT concealing his Effects	- -	- -	- -	- -	- -	- -	- -	- -	1	–	–	–	–	–
BURGLARY, Housebreaking, &c.	15	6	17	6	13	18	13	15	39	8	10	19	18	19
CATTLE Stealing	- -	1	- -	- -	- -	1	- -	- -	- -	- -	- -	- -	- -	1
——— Maliciously Killing	- -	- -	- -	- -	- -	- -	- -	1	–	–	–	–	–	–
COIN, *Uttering Counterfeit (having been before convicted as a Common Utterer)*	- -	- -	- -	- -	- -	1	–	–	–	–	–	–	–	–
COINING	3	4	- -	1	- -	- -	- -	- -	1	–	–	–	–	–
FORGERY and Uttering	13	11	13	5	19	18	8	23	17	6	11	18	18	24
FALSELY Personating, &c.	- -	2	- -	- -	1	–	–	–	–	–	–	–	–	–
HORSE Stealing	7	4	4	1	1	4	2	3	4	3	1	- -	- -	1
LARCENY in a Dwelling-house, to the value of 40*s.*	2	2	1	- -	1	1	- -	- -	- -	2	- -	3	1	4
——— on a Navigable River, to the value of 40*s.*	- -	- -	- -	- -	- -	- -	- -	3	- -	- -	- -	2	- -	2
LETTERS containing Bank Notes, Secreting and Stealing	- -	- -	- -	- -	- -	- -	1	- -	1	–	–	–	–	–
MAIL Robbery	- -	- -	- -	- -	- -	- -	- -	- -	2	–	–	–	–	–
MURDER	10	5	16	8	9	9	7	16	25	23	15	21	25	13
——— Shooting, Stabbing, and administering Poison, with Intent to	2	5	1	4	7	2	3	3	2	2	1	4	12	1
PIRACY	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	4	–	–
ROBBERY on the Person, on the Highway, and other Places	4	5	4	7	3	6	3	6	12	11	7	16	19	13
RAPE	5	2	2	3	4	1	3	3	4	3	7	4	5	1
RIOT, and Feloniously demolishing Buildings	- -	- -	- -	- -	- -	- -	- -	- -	5	–	–	–	–	–
SHEEP Stealing	5	3	3	1	- -	1	2	1	2	3	3	- -	5	14
SODOMY	- -	6	- -	2	2	4	2	1	1	5	1	2	1	1
TREASON, High	- -	- -	- -	- -	- -	- -	- -	2	1	- -	- -	- -	3	–
TRANSPORTS, being at large, &c.	- -	1	2	- -	- -	1	–	–	–	–	–	–	–	–
TREES growing in a Plantation for profit, &c. unlawfully and maliciously cutting down and destroying	- -	- -	- -	- -	- -	- -	- -	- -	- -	1	–	–	–	–
TOTAL Number of Persons Executed	68	57	63	39	60	67	45	82	120	70	57	95	115	97

Appendix, No. 1.—*continued.*

VII.—ENGLAND AND WALES.

NUMBER OF PERSONS CHARGED WITH CRIMINAL OFFENCES,

Committed for Trial to the different Gaols in England and Wales,

From the Year 1805 to the Year 1818, both inclusive; distinguishing the Number committed in each County in each Year.

IN THE YEARS	1805.	1806.	1807.	1808.	1809.	1810.	1811.	1812.	1813.	1814.	1815.	1816.	1817.	1818.
ANGLESEA	1	3	6	2	1	1	1	—	2	2	2	4	1	1
BEDFORD	20	20	13	29	17	22	27	17	34	27	28	43	44	73
BERKS	62	42	46	38	48	55	63	108	79	83	77	103	146	180
BRECON	7	12	18	6	2	5	5	5	13	11	15	8	43	22
BUCKS	33	40	44	25	37	47	37	33	64	47	50	65	75	88
CAMBRIDGE	40	26	34	33	29	19	21	34	45	37	64	71	98	99
CARDIGAN	2	7	1	2	—	3	3	4	1	4	7	—	14	23
CARMARTHEN	8	16	3	7	1	10	11	10	6	8	12	17	14	56
CARNARVON	6	4	7	—	3	2	5	2	8	3	12	3	10	15
CHESTER	80	101	78	128	130	83	99	155	145	136	160	187	285	265
CORNWALL	45	43	48	38	30	38	31	45	42	39	54	84	120	135
CUMBERLAND	18	12	29	35	33	32	17	53	42	23	28	51	89	50
DENBIGH	2	4	5	6	5	9	8	7	11	10	5	15	31	33
DERBY	39	38	26	28	46	37	37	60	71	38	57	60	165	113
DEVON	96	132	133	150	148	147	152	179	197	235	264	284	380	416
DORSET	38	44	39	43	42	37	44	47	65	43	62	81	122	120
DURHAM	27	29	26	40	53	35	37	33	33	35	49	55	87	76
ESSEX	144	118	169	119	151	163	130	152	221	174	191	236	319	312
FLINT	4	3	7	6	2	5	2	3	4	3	6	7	20	11
GLAMORGAN	15	12	16	18	6	12	18	13	26	20	15	22	50	32
GLOUCESTER	104	84	83	75	103	125	109	155	175	139	187	243	442	376
(BRISTOL)	37	52	49	41	56	49	68	78	68	70	98	104	166	176
HANTS	147	147	148	155	199	106	157	234	206	228	217	268	378	367
HEREFORD	31	41	53	34	40	47	66	83	79	61	54	87	174	141
HERTS	43	52	51	68	41	64	50	109	64	61	80	81	123	111
HUNTINGDON	15	11	15	12	9	4	8	11	18	21	23	15	30	38
KENT	210	184	191	220	212	224	210	281	330	260	327	325	528	495
LANCASTER	371	351	386	480	532	563	661	831	830	816	959	1,212	1,946	1,771
LEICESTER	47	32	58	55	51	55	57	65	77	42	71	125	170	193
LINCOLN	58	64	71	88	75	68	65	84	102	116	156	133	232	229
MERIONETH	—	1	—	6	—	1	2	2	5	1	3	6	9	9
MIDDLESEX	1,217	1,132	1,228	1,330	1,443	1,424	1,482	1,663	1,707	1,646	2,005	2,226	2,686	2,665
MONMOUTH	20	17	10	6	15	17	18	21	18	26	24	19	59	59
MONTGOMERY	15	15	11	8	12	14	5	13	18	8	9	14	49	57
NORFOLK	163	119	135	134	129	118	143	137	162	119	185	244	310	286
NORTHAMPTON	42	58	24	43	35	31	51	54	65	60	81	75	145	106
NORTHUMBERLAND	33	39	45	21	57	57	71	31	73	68	69	88	80	97
NOTTINGHAM	74	70	72	89	93	67	78	103	92	88	121	112	191	196
OXFORD	38	34	46	27	55	32	31	59	70	56	66	85	118	153
PEMBROKE	12	5	3	8	2	8	7	12	8	8	19	18	29	55
RADNOR	6	1	1	5	4	9	6	5	6	2	3	13	13	19
RUTLAND	4	8	6	4	4	2	5	4	9	1	11	12	9	6
SALOP	79	72	33	59	67	60	79	53	92	69	90	96	267	192
SOMERSET	106	105	86	105	124	118	108	201	153	139	221	244	439	470
STAFFORD	91	87	91	87	109	134	126	130	181	118	154	197	425	388
SUFFOLK	109	118	108	106	134	116	98	146	144	119	146	153	262	238
SURREY	199	191	156	143	218	243	208	296	279	255	294	366	491	559
SUSSEX	105	62	75	45	65	66	74	95	116	66	104	120	189	232
WARWICK	160	130	134	142	185	169	178	177	263	224	277	341	624	579
WESTMORLAND	6	6	6	8	6	1	5	9	8	6	13	18	14	16
WILTS	75	72	72	59	81	78	73	92	122	78	108	107	229	260
WORCESTER	51	67	54	71	74	66	84	78	109	104	130	128	239	239
YORK	245	213	192	248	316	248	206	304	405	337	355	420	748	669
TOTAL	4,605	4,346	4,446	4,735	5,330	5,146	5,337	6,576	7,164	6,390	7,818	9,091	13,932	13,567

Appendix, No. 1—*continued.*

VIII.—OBSERVATIONS.

IN THE YEARS	1805.	1806.	1807.	1808.	1809.	1810.	1811.	1812.	1813.	1814.	1815.	1816.	1817.	1818.
PROPORTION of CAPITAL CONVICTIONS, to the Number *Committed for Trial* in each *Year* — *about*	1 *in* 13	1 *in* 13	1 *in* 13	1 *in* 14	1 *in* 14	1 *in* 11	1 *in* 13	1 *in* 12	1 *in* 10	1 *in* 11	1 *in* 14	1 *in* 10	1 *in* 10	1 *in* 11
Proportion of the *whole Number* as above, in the *Fourteen Years*, about 1 *in* 12.														
PROPORTION of EXECUTIONS, to the Number *Capitally Convicted*, in each *Year* — *about*	1 *in* 5	1 *in* 5	1 *in* 5	1 *in* 8	1 *in* 6	1 *in* 7	1 *in* 9	1 *in* 6	1 *in* 6	1 *in* 8	1 *in* 9	1 *in* 9	1 *in* 11	1 *in* 12
Proportion of the *whole Number* as above, in the *Fourteen Years*, about 1 *in* 8.														

Appendix, No. 2.

A STATEMENT of the Number of Persons who were Capitally Convicted, and of those who were Executed in *London* and *Middlesex*,

From the Year 1749 to the Year 1818, both inclusive; together with a Statement of the Offences for which the Executions took place: So far as the same can be ascertained.

Appendix, No. 2. - - - -

LONDON AND MIDDLESEX:—A STATEMENT of the Number of Persons who were Capitally Convicted, together with a Statement of the Offences for which the

	YEARS:													
	Years of Peace:							Years of War:						
	1749.	1750.	1751.	1752.	1753.	1754.	1755.	1756.	1757.	1758.	1759.	1760.	1761.	1762.
Number of Persons *Capitally Convicted* in each Year	61	84	85	52	57	50	39	30	37	32	15	14	22	25
Number of Persons *Executed* in each Year	44	56	63	47	41	34	21	13	26	20	6	10	17	15
Statement of the OFFENCES *for which the Executions took place:*														
Arson	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Defrauding the Creditors	–	–	–	1	–	–	–	1	–	–	–	–	1	–
Burglary and Housebreaking	6	5	14	7	8	2	5	1	2	1	–	4	–	–
Cattle Stealing	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Coin, Uttering counterfeit, *(having been before convicted as a common Utterer)*	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Coining	3	1	–	–	–	–	–	–	–	3	–	–	–	–
Forgery, and uttering forged Instruments	2	3	7	7	3	2	–	1	5	3	1	–	6	4
Horse Stealing	2	2	1	1	1	4	2	–	–	1	1	2	–	–
Larceny in a Dwelling-house	–	–	–	–	–	–	–	–	–	–	–	–	–	1
D° - privately in a Shop	–	1	1	–	–	1	1	–	–	–	–	–	1	–
D° - on a Navigable River	–	–	–	–	–	–	–	–	–	–	–	–	–	–
D° - privately from the Person	1	4	2	2	2	2	3	2	3	3	–	–	1	–
Letters, containing Bank Notes, &c. secreting and stealing	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Murder	1	1	1	9	6	4	2	4	1	1	1	4	4	4
——— Attempt to	–	1	–	–	–	–	1	–	–	1	–	–	–	–
——— Shooting, stabbing, and administering Poison, with Intent to	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Piracy	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Personating others to obtain Prize Money, &c.	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Robbery on the Person on the Highway, and other Places	24	33	30	15	18	16	5	3	11	7	3	–	4	6
Rape	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Riot, and feloniously demolishing Buildings	1	–	–	–	–	–	–	–	–	–	–	–	–	–
Sinking a Ship to defraud Underwriters	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Smugglers not surrendering	3	4	6	1	1	1	–	–	–	–	–	–	–	–
Sodomy	–	–	–	–	–	–	–	–	1	–	–	–	–	–
Treason, High	–	–	–	–	–	–	1	–	–	–	–	–	–	–
Transports, being at large, &c.	1	–	1	4	2	2	1	1	1	–	–	–	–	–
Various; *the nature of which not ascertained*	–	1	–	–	–	–	–	–	2	–	–	–	–	–
Number of Persons EXECUTED in each Year	44	56	63	47	41	34	21	13	26	20	6	10	17	15

OBSERVATIONS.		
Average Number of *Persons Capitally Convicted in a Year*, of each Seven Years—*about*	- - - - 61 - - - -	- - - - 25 - - - -
Average Number of *Persons* EXECUTED *in a Year*, of each Seven Years—*about*	- - - - 43 - - - -	- - - - 15 - - - -

Appendix, No. 2.

and of those who were Executed, in London and Middlesex, from the Year 1749 to the Year 1818, both inclusive; Executions took place:—SO far as the same can be ascertained.

YEARS:

Years of Peace:														Years of War:						Year of Peace:
1763.	1764.	1765.	1766.	1767.	1768.	1769.	1770.	1771.	1772.	1773.	1774.	1775.	1776.	1777.	1778.	1779.	1780.	1781.	1782.	1783.
61	52	41	39	49	54	71	91	60	79	101	87	74	80	63	81	60	94	90	108	173
32	31	26	20	22	27	24	49	34	37	32	32	46	38	32	33	23	50	40	45	53
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
4	6	6	1	6	–	3	23	14	–	–	–	–	–	–	–	–	–	–	–	15
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	1	1	–	–	–	1	2	1	–	3	8	1	1	3	2	1	–	5
5	3	4	4	4	3	3	–	1	–	–	–	–	–	–	–	–	–	–	–	4
1	–	1	2	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–
2	5	6	4	–	2	2	1	3	–	–	–	–	–	–	–	–	–	–	–	2
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	1	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
4	1	4	–	3	5	2	6	4	3	2	1	2	6	2	1	–	1	1	–	1
–	–	2	–	–	8	–	–	2	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3
13	13	3	5	7	8	10	16	8	–	–	–	–	–	–	–	–	–	–	–	13
–	–	–	1	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	22	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	2	–	–	–	1	3	1	1	–	–	–	–	–	–	–	–	–	–	–	6
–	–	–	–	–	–	–	–	–	32	29	31	41	24	29	31	20	25	38	45	4
32	31	26	20	22	27	24	49	34	37	32	32	46	38	32	33	23	50	40	45	53

52	81	95
26	38	39

Appendix, No. 2—*continued.*

London and Middlesex :—A Statement of the Number of Persons who

	YEARS:														
	Years of Peace :									Years of War :					
	1784.	1785.	1786.	1787.	1788.	1789.	1790.	1791.	1792.	1793.	1794.	1795.	1796.	1797.
Number of Persons *Capitally Convicted* in each Year	153	151	127	113	83	97	67	83	89	58	71	49	93	81
Number of Persons *Executed* in each Year	56	97	50	92	25	26	33	34	24	16	7	22	22	19
Statement of the OFFENCES *for which the Executions took place:*														
Arson	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Defrauding of Creditors	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Burglary and Housebreaking	28	43	21	43	5	11	6	7	8	8	2	5	6	1
Cattle Stealing	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Coin, Uttering Counterfeit, *(having been before convicted as a common Utterer)*	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Coining	–	–	2	1	3	7	4	–	–	–	–	–	–	2
Forgery, and uttering forged Instruments	3	4	3	4	1	1	3	2	3	2	1	6	4	5
Horse Stealing	1	4	2	3	–	1	–	3	1	–	–	–	2	–
Larceny in a Dwelling-house	–	–	2	–	–	–	–	–	–	–	–	–	–	–
D° - privately in a Shop	–	–	–	–	–	–	–	–	–	–	–	–	–	–
D° - on a Navigable River	–	5	–	1	–	–	–	–	–	–	–	–	–	–
D° - privately from the Person	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Letters, containing Bank Notes, &c. secreting and stealing	–	–	–	1	–	–	–	–	1	1	–	2	1	–
Murder	1	1	7	1	–	2	5	3	2	–	–	1	5	4
——— Attempt to	–	–	–	–	–	–	–	–	–	–	–	–	–	–
——— Shooting, stabbing, and administering Poison, with Intent to	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Piracy	–	–	–	–	3	–	5	–	–	–	–	–	–	–
Personating others to obtain Prize Money, &c.	4	2	–	–	1	–	–	1	–	–	–	–	–	–
Robbery on the Person on the Highway, and other Places	16	31	11	36	5	4	8	16	3	5	3	5	–	5
Rape	–	–	–	–	–	–	–	–	–	–	–	–	2	1
Riot, and feloniously demolishing Buildings	–	–	–	–	2	–	–	–	–	–	–	2	–	–
Sinking a Ship to defraud Underwriters	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Smugglers not surrendering	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Sodomy	–	–	–	–	–	–	–	–	–	–	–	–	–	1
Treason, High	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Transports, being at large, &c.	2	4	1	–	2	–	–	–	1	–	–	1	1	–
Various ; *the nature of which not ascertained*	1	3	1	2	3	–	2	2	5	–	1	–	1	–
Number of Persons EXECUTED in each Year	56	97	50	92	25	26	33	34	24	16	7	22	22	19

OBSERVATIONS.		
Average Number of *Persons Capitally Convicted in a Year*, of each Seven Years—about	113	75
Average Number of *Persons* EXECUTED *in a Year*, of each Seven Years—*about*	54	20

Appendix, No. 2—*continued.*

were Capitally Convicted, and of those who were Executed, &c.—*continued.*

YEARS:

Years of War:				Year of Peace:	Years of War:												Years of Peace:			
1798.	1799.	1800.	1801.	1802.	1803.	1804.	1805.	1806.	1807.	1808.	1809.	1810.	1811.	1812.	1813.	1814.	1815.	1816.	1817.	1818.
82	72	101	101	97	82	67	63	60	74	87	89	118	106	132	138	158	139	227	208	201
19	24	19	14	10	9	8	10	13	14	5	8	13	17	19	17	21	11	29	16	21
–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
4	4	7	1	1	–	–	1	–	5	2	1	5	4	2	1	3	1	4	4	3
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–
7	8	2	3	3	3	5	4	5	2	1	2	1	6	9	11	3	4	6	5	9
–	–	–	–	–	–	2	–	–	1	–	–	1	–	–	–	–	–	–	–	–
–	1	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	1	1	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	2	–	1	–	–	–	–	–	–	–	–	–	–	3	–	–	–	2	–	2
–	–	–	–		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	1	1	–	–	1	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
2	3	2	3	1	2	–	1	1	3	–	–	–	2	4	2	8	2	6	1	3
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	2	1	–	–	–	–	2	1	–	1	1	1	2	1	–	–	–	1	–	–
1	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	4	–	–
–	–	–	–	1	1	–	–	2	–	–	1	–	–	–	–	–	–	–	–	–
–	3	5	6	3	2	–	–	2	1	–	–	2	2	–	1	5	2	3	4	2
1	–	–	–	–	–	–	–	–	–	–	2	–	–	–	–	–	1	–	1	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	1	–	1	–	1	1	2	–	–	–	1	1	2	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	–	–	–	1	2	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
19	24	19	14	10	9	8	10	13	14	5	8	13	17	19	17	21	11	29	16	21

86	85	172.
14	11	19.

H. HOBHOUSE.

Appendix, No. 3.

LONDON AND MIDDLESEX:

A STATEMENT of the Number of Persons charged with Criminal Offences, who were Committed to the different Gaols in the Cities of *London* and *Westminster*, and County of *Middlesex*, for Trial, during the last Seven Years; distinguishing the Number in each Year, and showing the nature of the Crimes respectively of the Persons Convicted, Acquitted, and against whom no Bills were found, and who were not Prosecuted; also, the Sentences of those Convicted; and the Number Executed, who received Sentence of Death.

Secretary of State's Office, Whitehall, 1819.

Number of Persons Committed, Convicted, Sentenced, Acquitted, &c. &c.

IN THE YEARS	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.	Total Number in the Seven Years.
COMMITTED FOR TRIAL:								
Viz. MALES	1,121	1,229	1,216	1,514	1,729	2,157	2,108	11,074
FEMALES	542	478	430	491	497	529	557	3,524
TOTAL	1,663	1,707	1,646	2,005	2,226	2,686	2,665	14,598
To Death *	* 132	* 138	* 158	* 139	* 227	* 208	201	1,203
Transportation for Life	21	30	48	30	52	85	98	364
14 Years	26	39	30	32	34	50	114	325
7 Years	236	213	253	347	312	434	512	2,307
Imprisonment, (*and severally to be Whipped, Fined, Pilloried, and kept to Hard Labour, &c. &c.*) 5 Years	- -	- -	- -	- -	2	- -	- -	2
Imprisonment, (*and severally to be Whipped, Fined, Pilloried, and kept to Hard Labour, &c. &c.*) 3 Years	- -	- -	1	1	- -	2	- -	4
Imprisonment, (*and severally to be Whipped, Fined, Pilloried, and kept to Hard Labour, &c. &c.*) 2 Years, and above 1 Year	42	30	23	19	30	25	11	180
Imprisonment, (*and severally to be Whipped, Fined, Pilloried, and kept to Hard Labour, &c. &c.*) 1 Year, and above 6 Months	112	138	113	164	134	123	116	900
Imprisonment, (*and severally to be Whipped, Fined, Pilloried, and kept to Hard Labour, &c. &c.*) 6 Months & under	306	298	316	412	469	525	492	2,818
Whipping	21	24	24	36	19	43	30	197
Fine	102	102	61	59	110	107	93	634
CONVICTED	998	1,012	1,027	1,239	1,389	1,602	1,667	8,934
ACQUITTED	370	378	387	441	500	613	551	3,240
NO BILLS FOUND, and NOT PROSECUTED	295	317	232	325	337	471	447	2,424
TOTAL	1,663	1,707	1,646	2,005	2,226	2,686	2,665	14,598
* Of whom were Executed	* 19	* 17	* 21	* 11	* 29	* 16	* 21	* 134

* See page 145, for the Crimes for which they were Executed.

Appendix, No. 3—*continued.*

CONVICTED.

NATURE of the CRIMES of Persons Convicted in the Years	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
Arson	–	–	1	–	–	–	–
Bigamy	6	4	6	5	2	4	2
Burglary	15	22	29	41	51	44	24
Cattle Stealing	3	1	2	–	2	2	1
—— Maliciously Killing, &c.	–	1	–	–	–	–	–
Coin, Counterfeiting the Current	3	2	4	6	11	–	–
—— Putting off, and uttering Counterfeit	39	72	38	70	51	55	71
—— D° (having been convicted as Common Utterers)	3	1	8	–	–	–	–
Child Stealing	–	–	–	3	–	4	1
Embezzlement (by Servants)	7	8	9	14	9	15	9
Forgery, and Uttering	11	16	7	5	8	8	29
Forged Bank Notes, having in Possession, &c.	18	27	20	18	19	33	96
Fraudulent Offences	24	24	21	22	24	28	27
Horse Stealing	2	5	4	4	7	5	11
Housebreaking in the Day-time, and Larceny	4	3	5	3	14	20	15
Larceny, Simple	665	607	615	809	833	1,007	1,027
—— in Dwelling Houses, to the value of 40*s.*	28	38	40	31	52	57	62
—— in Shops, &c. privately, to the value of 5*s.*	19	18	12	22	10	12	16
—— on Navigable Rivers, &c. to the value of 40*s.*	5	1	2	–	3	4	2
—— from the Person	73	103	121	108	185	194	185
Letters containing Bank Notes, Secreting and Stealing	2	2	1	–	1	1	–
—— Sending threatening	2	–	–	–	1	–	–
Manslaughter	–	2	8	3	5	6	7
Murder	4	2	8	2	6	1	3
—— Shooting, Stabbing, and administering Poison, with Intent to	1	–	5	2	1	1	–
—— Concealing the Birth of her Infant	–	–	–	–	–	1	–
Piracy	–	–	–	–	4	–	–
Perjury	1	1	1	3	–	3	–
Rape, &c.	–	–	–	1	1	1	–
—— Assault with Intent to commit	3	1	1	3	3	1	1
Robbery on the Person on the Highway, and other Places	20	15	23	15	48	47	28
Sacrilege	–	–	–	–	1	1	–
Sheep Stealing	1	6	2	4	4	2	9
Sodomy	–	–	1	1	2	–	–
—— Assault with Intent to commit, and other unnatural Offences	7	7	2	3	7	6	5
Stolen Goods, Receiving	11	10	14	12	13	16	18
Treason, High	1	1	–	–	–	–	–
Transports being at large, &c.	5	4	3	4	1	2	1
Felony, and Misdemeanor (not otherwise described)	15	8	14	25	10	21	17
Total Number of Persons Convicted, in each Year	998	1,012	1,027	1,239	1,389	1,602	1,667

Appendix, No. 3—*continued.*

ACQUITTED.

NATURE of the CRIMES of Persons Tried and Acquitted in the Years	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
Arson	–	2	–	–	1	–	–
Bigamy	–	1	1	2	1	2	1
Burglary	3	12	23	29	37	49	17
Cattle Stealing	–	–	–	–	–	–	2
Maliciously Killing, &c.	–	–	–	–	–	–	1
Coin, Counterfeiting the Current	–	–	–	–	5	–	–
—— Putting off, and uttering Counterfeit	7	3	6	5	3	4	9
Child Stealing	–	–	–	–	1	–	1
Embezzlement (by Servants)	5	6	2	6	8	14	12
Forgery, and Uttering	7	9	3	5	4	4	15
Forged Bank Notes, having in Possession, &c.	1	–	1	–	–	–	1
Fraudulent Offences	10	9	3	20	10	13	12
Horse Stealing	4	–	2	1	–	6	4
Housebreaking in the Day-time, and Larceny	6	6	6	6	11	10	7
Larceny, Simple	174	169	157	186	228	284	251
—— in Dwelling Houses, to the value of 40*s.*	24	22	27	33	33	28	25
—— in Shops, &c. privately, to the value of 5*s.*	21	15	18	12	8	8	11
—— on Navigable Rivers, to the value of 40*s.*	1	–	–	3	2	–	–
—— from the Person	36	52	54	34	53	91	91
Letter containing Bank Notes, Secreting and Stealing	–	1	–	–	1	–	–
Manslaughter	2	1	3	2	–	1	5
Murder	6	6	11	9	9	9	3
—— Shooting, Stabbing, and administering Poison, with Intent to	4	4	8	5	5	4	4
Perjury	4	3	2	2	2	3	4
Piracy	–	–	–	–	2	–	–
Rape, &c.	4	2	2	4	1	2	2
—— Assault with Intent to commit	–	–	1	1	1	1	–
Robbery on the Person, on the Highway, and other Places	24	27	19	37	40	48	30
Riot, and feloniously demolishing Buildings	–	–	–	3	–	–	–
Sheep Stealing	–	–	–	1	–	–	1
Sodomy, &c.	–	–	–	2	–	–	–
—— Assault with Intent to commit	2	3	1	–	–	1	2
Stolen Goods, Receiving	19	20	18	21	26	22	33
Treason, High	–	–	1	–	–	4	–
Transports being at large, &c.	–	–	–	–	–	–	–
Felony and Misdemeanor (not otherwise described)	6	5	18	12	8	5	7
Total Number of Persons Acquitted, in each Year	370	378	387	441	500	613	551

Appendix, No. 3—*continued.*

NO BILLS FOUND, AND NOT PROSECUTED.

Nature of the CRIMES of Persons against whom No Bills were found, and who were not Prosecuted, in the Years	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
Arson	–	1	–	–	1	–	–
Bigamy	1	1	–	1	1	–	–
Burglary	4	4	5	3	6	12	7
Cattle Stealing	1	1	1	–	–	–	–
Child Stealing	–	–	–	–	–	1	–
Coin, Putting off, and uttering Counterfeit	3	1	–	2	5	1	7
Embezzlement (by Servants)	3	5	5	2	1	5	3
Forgery, and Uttering	1	1	1	1	3	3	11
Forged Bank Notes, having in Possession, &c.	–	–	–	–	–	1	–
Fraudulent Offences	7	5	3	5	8	7	9
Horse Stealing	–	–	1	–	2	–	1
Housebreaking in the Day-time, and Larceny	–	–	–	3	1	–	1
Larceny, Simple	163	226	124	202	168	263	224
——— in Dwelling Houses, to the value of 40*s.*	19	9	6	16	13	8	22
——— in Shops, &c. privately, to the value of 5*s.*	4	4	4	1	4	5	8
——— on Navigable Rivers, to the value of 40*s.*	1	–	1	–	–	–	2
——— from the Person	54	27	55	65	82	110	127
Letters containing Bank Notes, Secreting and Stealing	–	–	–	1	–	1	–
Manslaughter	–	1	–	–	–	–	–
Murder	1	4	4	2	2	1	–
——— Shooting with Intent to	–	–	–	–	1	–	–
Perjury	4	3	–	2	–	3	4
Rape, &c.	3	4	–	2	4	2	–
——— Assault with Intent to commit	–	–	2	–	–	3	–
Robbery on the Person, on the Highway, and other places	12	9	11	12	16	9	7
Sheep Stealing	–	–	–	–	1	–	–
Sodomy	2	–	–	–	–	1	–
——— Assault with Intent to commit, and other unnatural Offences	2	1	3	3	8	5	1
Stolen Goods, Receiving	3	4	4	1	3	16	3
Transport being at large, &c.	–	–	–	–	–	–	–
Felony, and Misdemeanor (not otherwise described)	7	6	2	1	7	14	10
Total Number of Persons in each Year against whom No Bills were found, and who were Not Prosecuted	295	317	232	325	337	471	447

Appendix, No. 3—*continued.*

TOTAL.

Nature of the CRIMES of the Total Number of Persons for Trial in the Years	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
Arson	–	3	1	–	2	–	–
Bigamy	7	6	7	8	4	6	3
Burglary	22	38	57	73	94	105	48
Cattle Stealing	4	2	3	–	2	2	3
——— Maliciously Killing, &c.	–	1	–	–	–	–	1
Coin, Counterfeiting the Current	3	2	4	6	16	–	–
—— Putting off, and Uttering Counterfeit	52	77	52	77	59	60	87
Child Stealing	–	–	–	3	1	5	2
Embezzlement (by Servants)	15	19	16	22	18	34	24
Forgery, and Uttering	19	26	11	11	15	15	55
Forged Bank Notes, having in Possession, &c.	19	27	21	18	19	34	97
Fraudulent Offences	41	38	27	47	42	48	48
Horse Stealing	6	5	7	5	9	11	16
Housebreaking in the Day-time, and Larceny, to the value of 5*s.*	10	9	11	12	26	30	23
Larceny, Simple	1,002	1,002	896	1,197	1,229	1,554	1,502
——— in Dwelling Houses, to the value of 40*s.*	71	69	73	80	98	93	109
——— in Shops, &c. privately, to the value of 5*s.*	44	37	34	35	22	25	35
——— on Navigable Rivers, &c. to the value of 40*s.*	7	1	3	3	5	4	4
——— from the Person	163	182	230	207	320	395	403
Letters containing Bank Notes, Secreting and Stealing	2	3	1	1	2	2	–
——— Sending threatening	2	–	–	–	1	–	–
Manslaughter	2	4	11	5	5	7	12
Murder	11	12	23	13	17	11	6
——— Shooting, Stabbing, and administering Poison, with Intent to	5	4	13	7	7	5	4
——— Concealing the Birth of her Infant	–	–	–	–	–	1	–
Perjury	9	7	3	7	2	9	8
Piracy	–	–	–	–	6	–	–
Rape, &c.	7	6	2	7	6	5	2
—— Assault, with Intent to commit	3	1	4	4	4	5	1
Robbery on the Person, on the Highway, and other Places	56	51	53	64	104	104	65
Riot, and demolishing Buildings	–	–	–	3	–	–	–
Sacrilege	–	–	–	–	1	1	–
Sheep Stealing	1	6	2	5	5	2	10
Sodomy	2	–	1	3	2	1	–
——— Assault with Intent to commit, and other Unnatural Offences	11	11	6	6	15	12	8
Stolen Goods, Receiving	33	34	36	34	42	54	54
Treason, High	1	1	1	–	–	4	–
Transports being at large, &c.	5	4	3	4	1	2	1
Felony, and Misdemeanor (not otherwise described)	28	19	34	38	25	40	34
Total Number of Persons for Trial in each Year	1,663	1,707	1,646	2,005	2,226	2,686	2,665

Appendix, No. 3.—*continued.*

EXECUTED.

CRIMES of Persons Executed, who received Sentence of DEATH, in the Years	1812. Number of Persons.	1813. Number of Persons.	1814. Number of Persons.	1815. Number of Persons.	1816. Number of Persons.	1817. Number of Persons.	1818. Number of Persons.
Arson	–	–	1	–	–	–	–
Burglary	2	1	3	1	4	4	3
Cattle Stealing	–	–	–	–	–	–	1
Forgery, and Uttering	9	11	3	4	6	5	9
Larceny in a Dwelling House, to the Value of 40*s.*	–	–	–	–	1	1	1
Larceny on a navigable River, to the Value of 40*s.*	3	–	–	–	2	–	2
Letter containing Bank Notes, Secreting and Stealing	–	1	–	–	–	–	–
Murder	4	2	8	2	6	1	3
——— Shooting and Stabbing, with intent to	1	–	–	–	1	–	–
Piracy	–	–	–	–	4	–	–
Rape	–	–	–	1	–	1	–
Robbery on the Person, on the Highway, and other Places	–	1	5	2	3	4	2
Sodomy	–	–	1	1	2	–	–
Treason, High	–	1	–	–	–	–	–
Total	19	17	21	11	29	16	21

Appendix, No. 4.

LONDON: - - - A STATEMENT of the Number of Persons who were Capitally Convicted, and of those who were Executed in *London*; from the Year 1699 to the Year 1755 both inclusive: together with a Statement of the Offences of which they were Convicted.

	YEARS:—																				TOTAL.	
	1699-1700.		1700-1.		1701-2.		1702-3.		1703-4.		1704-5.		1705-6.		1706-7.		1707-8.		1708-9.			
	Convicted.	Executed.	Convict^d.	Executed.	Convict^d.	Executed.	Convict^d.	Executed.	Convict^d.	Executed	Convict^d.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
BAIL, acknowledging and becoming, in the Name of another Person	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	1	–
Bigamy, not reading	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
Burglary	9	6	1	–	5	3	2	–	–	–	2	–	4	2	6	6	2	1	6	1	37	19
Horse Stealing	–	–	–	–	–	–	–	–	2	–	1	1	–	–	1	1	–	–	–	–	4	2
Housebreaking in the day time, and Larceny therein	–	–	1	1	–	–	–	–	–	–	1	1	–	–	1	–	1	–	–	–	4	2
Larceny, simple, having been before convicted of Felony, and allowed the Benefit of Clergy	–	–	–	–	–	–	–	–	1	–	1	1	–	–	–	–	–	–	–	–	2	1
Larceny, simple, not reading	–	–	1	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	2	–
Larceny, privily from a Person, to the value of 1*s.*	2	1	7	1	–	–	1	–	–	–	2	–	–	–	–	–	1	–	2	–	15	2
Larceny, privately in a Shop, to the value of 5*s.*	5	–	1	–	1	1	4	1	–	–	7	1	6	–	2	–	6	–	2	–	34	3
Larceny, privately in a Warehouse, to the value of 5*s.*	–	–	–	–	2	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	3	–
Murder	–	–	1	1	–	–	1	–	1	–	1	1	–	–	–	–	3	3	–	–	7	5
Robbery	1	1	–	–	–	–	1	–	1	1	3	2	–	–	1	–	1	–	–	–	8	4
Treason, High, relating to Coin	4	–	1	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	6	1
Woman Child, under 10 years of age, carnally knowing and abusing	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	1	1
	21	8	14	3	8	4	9	1	6	1	19	8	11	2	13	8	14	4	10	1	125	40

Appendix, No. 4.—*continued.*

A STATEMENT of the Number of Persons who were Capitally Convicted, &c.—*continued.*

	YEARS:—																				TOTAL.	
	1709-10.		1710-11.		1711-12.		1712-13.		1713-14.		1714-15.		1715-16.		1716-17.		1717-18.		1718-19.			
	Convicted.	Executed.	Convictd.	Executed	Convictd.	Executed	Convictd.	Executed	Convictd.	Executed	Convictd.	Executed	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
Bankrupt concealing his Effects, with intent to defraud his Creditors	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
Bigamy, having been before convicted of Felony, and allowed the Benefit of Clergy	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	1	1
Burglary	–	–	1	–	1	–	3	3	3	2	2	1	5	3	4	4	1	–	7	2	27	16
Forgery	–	–	–	–	–	–	–	–	–	–	2	–	1	–	–	–	–	–	–	–	2	1
Housebreaking in the Day time, and Larceny therein,	–	–	1	–	–	–	–	–	2	–	1	–	–	–	–	–	1	1	3	–	8	1
Horse Stealing	5	–	1	–	3	1	4	2	5	2	–	–	–	–	–	–	–	–	–	–	18	5
Larceny, simple, having been before convicted of Felony, and allowed the Benefit of Clergy	–	–	–	–	–	–	1	1	–	–	1	1	–	–	–	–	–	–	–	–	2	2
Larceny in a Dwelling-house, to the value of 40*s.*	–	–	–	–	–	–	1	–	5	2	9	6	8	2	6	2	8	1	6	1	43	14
Larceny privily from a Person, to the value of 1*s.*	2	–	2	–	2	–	7	2	4	1	1	–	7	1	14	1	5	1	2	–	46	6
Larceny privately in a Shop, to the value of 5*s.*	6	–	7	1	7	2	9	2	4	–	7	2	4	–	7	1	5	–	3	–	59	8
Larceny privately in a Warehouse, to the value of 5*s.*	2	–	3	–	–	–	2	–	5	1	6	2	1	1	–	–	2	–	4	–	25	4
Murder	–	–	–	–	3	2	–	–	–	–	1	1	–	–	–	–	–	–	1	1	5	4
Rape	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
Riotously assembling, and demolishing a House	–	–	–	–	–	–	–	–	–	–	–	–	6	5	–	–	–	–	–	–	6	5
Robbery	1	–	1	–	1	–	–	–	–	–	2	1	3	–	4	3	2	1	4	2	18	7
Sacrilege	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
Treason, High	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	2	2
	17	–	17	1	18	6	28	11	28	8	32	14	35	12	35	11	25	5	31	7	266	77

Appendix, No. 4—*continued.*

A STATEMENT of the Number of Persons who were Capitally Convicted, &c.—*continued.*

	YEARS:—																				TOTAL.	
	1719–20.		1720–1.		1721–2.		1722–3.		1723–4.		1724–5.		1725–6.		1726–7.		1727–8.		1728–9.			
	Convict^{d}.	Executed	Convict^{d}.	Executed	Convict^{d}.	Executed	Convict^{d}.	Executed	Convict^{d}.	Executed	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
Burglary	1	–	2	1	1	1	–	–	2	2	–	–	–	–	1	1	4	2	5	2	16	9
Forgery	–	–	–	–	1	1	–	–	1	–	–	–	–	–	–	–	–	–	1	–	3	1
Horse Stealing	1	1	–	–	1	–	–	–	–	–	–	–	4	2	–	–	1	–	2	1	9	4
Housebreaking in the day-time, and Larceny therein	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	1	1	–	–	2	1
Larceny in a Dwelling-house to the value of 40 *s.*	4	2	4	1	5	1	1	–	3	–	3	1	4	2	3	–	3	2	4	1	34	10
Larceny, privily, from a Person, to the value of 1 *s.*	8	3	7	1	–	–	–	–	3	1	3	2	5	1	–	–	3	–	1	–	30	8
Larceny, privately, in a Shop, to the value of 5 *s.*	2	–	–	–	2	2	2	–	2	–	3	1	4	3	2	–	1	–	–	–	18	6
Larceny, privately, in a Warehouse to the value of 5*s.*	–	–	2	–	1	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	4	–
Letter, threatening, without a Name subscribed thereto, sending of, demanding Money	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1
Murder	3	3	–	–	2	1	1	1	–	–	2	2	–	–	–	–	–	–	–	–	8	7
Robbery	2	2	–	–	4	4	–	–	2	1	1	–	2	2	–	–	10	10	–	–	21	19
Sodomy	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	1	1	–	–	3	3
Stolen Goods, taking Money to help to, not apprehending the Felon, and causing him to be brought to Trial	–	–	1	1	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	2	2
Transport at large, without lawful cause	1	1	9	6	1	1	2	1	–	–	2	1	1	1	–	–	1	1	–	–	17	12
Treason, High, relating to Coin	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
Treason, petit (Murder)	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1 (Died in gaol.)		–	–	–	–	1	–
Woman Child, under the age of 10 years, carnally knowing and abusing	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	22	12	26	11	19	12	7	2	14	4	15	8	22	13	7	1	25	17	14	5	161	85

A STATEMENT of the Number of Persons who were Capitally Convicted, &c.—*continued.*

	YEARS:—																				TOTAL.	
	1729–30.		1730–1.		1731–2.		1732–3.		1733–4.		1734–5.		1735–6.		1736–7.		1737–8.		1738–9.			
	Convict[d]	Executed	Convict[d].	Executed	Convict[d].	Executed	Convict[d].	Executed	Convict[d].	Executed	Convict[d].	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
Arson	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	1	1
Burglary	1	1	1	1	5	4	–	–	–	–	1	1	1	1	4	–	1	1	–	–	14	9
Foreign Service, procuring a Person to inlist and serve in	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	1	–
Forgery	–	–	1	1	1 hanged himself		–	–	–	–	–	–	–	–	1	–	3	1	–	–	6	2
Horse Stealing	–	–	1	1	–	–	–	–	–	–	1	–	–	–	–	–	1	–	1	–	3	2
Housebreaking in the day time, and Larceny therein	–	–	3	3	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	3
Larceny in a Dwelling-house to the Value of 40*s.*	2	1	2	–	3	–	3	–	6	1	4	–	2	–	4	–	3	2	3	2	32	6
Larceny, privily, from a Person, to the Value of 1*s.*	1	–	–	–	2	–	1	–	–	–	2	–	2	1	2	–	2	1	3	1	15	3
Larceny, privately, in a Shop, to the Value of 5*s.*	–	–	–	–	–	–	1	–	–	–	–	–	1	–	1	–	1	–	–	–	4	–
Letter, threatening, without a Name subscribed thereto, sending of, demanding Money	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	1	1
Murder	–	–	1	1	2	2	2	2	1	–	1	–	–	–	–	–	1	1	–	–	8	6
Robbery	2	–	2	2	2	1	2	1	–	–	1	–	–	–	–	–	1	–	3	–	13	4
Sodomy	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
Stamps denoting the Payment of Duties, forging of	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	1	–
Treason, High, relating to Coin	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	1	1
	7	3	11	9	15	7	9	3	7	1	11	1	7	3	12	–	15	8	11	3	104	39

Appendix, No. 4—*continued.*

A STATEMENT of the Number of Persons who were Capitally Convicted, &c.—*continued.*

	YEARS: 1739-40.		1740-1.		1741-2.		1742-3.		1743-4.		1744-5.		1745-6.		1746-7.		1747-8.		1748-9.		TOTAL.	
	Convict[d].	Executed	Convict[d].	Executed	Convict[d].	Executed	Convict[d].	Executed	Convict[d].	Executed	Convict[d].	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
Bank Clerk embezzling a Bill of Exchange, with which he was entrusted	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	1	–
Burglary	2	1	–	–	4	1	1	1	1	1	–	–	–	–	–	–	–	–	–	–	8	4
Forgery	–	–	3	3	2	2	1	1	2	–	1	–	3	–	1	–	2	–	2	–	17	6
Horse Stealing	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	1	–	2	–	4	1
Larceny in a Dwelling House, to the value of 40*s.*	4	1	4	–	2	1	3	2	–	–	1	1	–	–	–	–	1	–	1	–	16	5
Larceny, privily from a Person, to the value of 1*s.*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	1	–
Larceny, privately in a Shop, to the value of 5*s.*	–	–	–	–	1	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	2	–
Murder	2	1	–	–	2	2	1	1	–	–	–	–	–	–	1	–	–	–	–	–	6	4
Robbery	4	–	2	1	1	–	5	2	17	13	3	2	–	–	3	–	–	–	4	–	39	18
Sacrilege	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
Transport at large, without lawful cause	1	–	2	1	–	–	1	1	1	1	1	1	–	–	–	–	–	–	–	–	6	4
Treason, High, relating to Coin	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	–	3	–
	14	4	11	5	12	6	12	8	21	15	8	4	4	–	5	–	5	–	12	–	104	42

Appendix, No. 4—*continued.*

A STATEMENT of the Number of Persons who were Capitally Convicted, &c.—*continued.*

	YEARS:—												TOTAL.	
	1749-50.		1750-1.		1752.		1753.		1754.		1755.			
	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
Bank Clerk embezzling a Bill of Exchange, with which he was entrusted	1	–	–	–	–	–	–	–	–	–	–	–	1	–
Burglary	5	1	–	–	–	–	2	2	2	1	2	2	11	6
Horse Stealing	1	–	–	–	–	–	1	1	–	–	1	–	3	1
Forgery	6	2	7	4	2	2	1	1	3	2	1	–	20	11
Larceny, simple, having been before convicted of Felony, and allowed the Benefit of Clergy	1	–	–	–	–	–	–	–	–	–	–	–	1	–
Larceny in a Dwelling House, to the value of 40*s.*	–	–	1	1	1	–	–	–	2	1	3	–	7	2
Larceny, privily, from a Person, to the value of 1*s.*	2	1	–	–	–	–	2	–	1	–	1	–	6	1
Larceny, privately in a Shop, to the value of 5*s.*	1	–	–	–	–	–	–	–	1	1	1	1	3	2
Larceny, privately in a Warehouse, to the value of 5*s.*	–	–	–	–	–	–	–	–	–	–	1	1	1	1
Murder	–	–	–	–	–	–	–	–	1	–	–	–	1	–
Perjury in an Oath, on taking the Benefit of an Insolvent Act	–	–	–	–	1	1	–	–	–	–	–	–	1	1
Robbery	6	5	5	3	1	1	1	1	2	1	1	1	16	12
Transport at large, without lawful cause	–	–	–	–	–	–	2	2	–	–	–	–	2	2
	23	9	13	8	5	4	9	7	12	6	11	5	73	39

Thomas Shelton,

Clerk of the Sessions of Oyer and Terminer and Gaol Delivery of Newgate.

Appendix, No. 5. - - - - - - - -

LONDON and MIDDLESEX: - - A STATEMENT of the Number of Persons who were capitally
both inclusive; together with a Statement of the Offences

YEARS:—

	1756.			1757.			1758.			1759.		
	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed
BANKRUPT, concealing his Effects -	–	–	–	–	–	–	–	–	–	–	–	–
Bankrupt, not surrendering - -	1	1	–	–	–	–	–	–	–	–	–	–
Burglary - - - - - - -	2	Larceny privily in a Shop - - 2	–	3	3	2	4	3; Simple Larceny, 1	1	1	Larceny in a Dwelling-house - 1	–
Cattle Stealing - - - - - -	1	1	–	–	–	–	–	–	–	1	1	–
Deer Stealing, being in an inclosed Place, where Deer were usually kept	1	1	–	–	–	–	–	–	–	–	–	–
Foreign Service, procuring Subjects of His Majesty to inlist into - -	–	–	–	2	2	2	–	–	–	–	–	–
Forgery - - - - - - -	4	4	3	4	4	4	3	3	3	1	1	1
Horse Stealing - - - - - -	1	1	–	1	1	1	2	2	1	6	6	2
Housebreaking in the Day time, and Larceny therein - - - - -	–	–	–	1	Larceny in a Dwelling-house, to the value of 40 s. - 1	–	–	–	–	–	–	–
Larceny in a Dwelling-house, to the value of 40s. - - - - -	8	6; Simple Larceny, 2	2	2	Simple Larceny, 2.	1	4	2; Simple Larceny, 2	2	–	–	–
Larceny on a Navigable River, to the value of 40s. - - - - -	–	–	–	–	–	–	–	–	–	–	–	–
Larceny privily from a Person, to the value of 1 s. - - - - - -	–	–	–	–	–	–	1	1	–	1	Simple Larceny, 1.	–
Larceny privily in a Shop, to the value of 5s. - - - - - - -	–	–	–	1	Simple Larceny, 1.	–	–	–	–	–	–	–
Larceny privily in a Stable, to the value of 5 s. - - - - - - -	–	–	–	–	–	–	1	Simple Larceny, 1.	–	–	–	–
Larceny privily in a Warehouse, to the value of 5s. - - - - - -	–	–	–	1	Simple Larceny, 1.	–	2	2	–	–	–	–
Maiming a Person maliciously, and by lying in wait - - - - - -	–	–	–	–	–	–	–	–	–	–	–	–
Murder - - - - - - - -	2	2	2	1	1	1	1	1	1	1	1	1
Oath, false, to receive a Seaman's wages,	–	–	–	–	–	–	–	–	–	–	–	–
Personating another, to receive a Seaman's wages, &c. - - - - -	–	–	–	–	–	–	–	–	–	–	–	–
Rape - - - - - - - -	–	–	–	–	–	–	–	–	–	–	–	–
Robbery - - - - - - - -	5	5	3	12	12	12	7	7	5	4	2; Larceny privily from a person, 1 Simple Larceny, 1	3
Sacrilege - - - - - - -	–	–	–	–	–	–	–	–	–	–	–	–
Sheep Stealing - - - - - -	2	2	–	1	1	–	1	1	–	–	–	–
Shooting at a Person maliciously -	–	–	–	–	–	–	1	Assault with intent to rob, 1	1	1	1	–
Sodomy - - - - - - - -	–	–	–	1	1	–	–	–	–	–	–	–
Transport at large, without lawful cause,	1	1	1	3	3	1	–	–	–	–	–	–
Treason high, relating to Coin - -	–	–	–	–	–	–	2	2	2	–	–	–
	28	–	11	33	–	24	29	–	16	16	–	7

Appendix, No. 5.

Convicted, and of those who were Executed, in *London* and *Middlesex*; from the Year 1756 to the Year 1804, for which they were Committed, and of which they were Convicted.

YEARS:—

1760.			1761.			1762.			1763.			1764.			1765.		
Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed
–	–	–	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
3	1; Simple Larceny, 2	3	–	–	–	1	Simple Larceny, 1.	–	7	6; Simple Larceny, 1	4	11	9; Simple Larceny, 2	6	8	7; Robbery, 1	6
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	6	6	6	4	4	4	3	3	3	2	2	–	7	7	3
1	1	1	1	1	–	–	–	–	2	2	1	2	2	–	2	2	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	Burglary, 1	1	1	1	1	3	Simple Larceny, 3.	1	6	3; Simple Larceny, 2 Burglary, 1	1	11	3; Simple Larceny, 6 Robbery, 1 Burglary, 1	3	9	3; Burglary, 1 Simple Larceny, 5	3
–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	2	2	2
1	1	–	–	–	–	1	Simple Larceny, 1.	–	–	–	–	3	1; Robbery, 1 Simple Larceny, 1	1	1	1	–
–	–	–	5	4; Simple Larceny, 1	–	–	–	–	4	3; Simple Larceny, 1	1	1	Larceny in a Dwel[s]. house, 1	1	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	1	1	1	–	–	–	–	–	–	4	4	4	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2	2
5	5	4	6	6	3	2	2	–	4	4	4	2	2	1	3	3	3
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1
–	–	–	–	–	–	–	–	–	4	4	2	2	2	2	–	–	–
–	–	–	–	–	–	3	3	–	–	–	–	–	–	–	–	–	–
1	1	1	5	5	4	7	7	5	28	26; Simple Larceny, 2	15	15	13; Simple Larceny, 1 Cheat – 1	10	7	7	6
–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	1	1	1	–	–	–		–	–
–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	1	1	1	2	2	2	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
12	–	10	27	–	16	22	–	10	64	–	33	56	–	30	42	–	26

Appendix, No. 5—*continued.*

A STATEMENT of the Number of Persons who were Capitally Convicted,

YEARS:—

	1766.			1767.			1768.			1769.		
	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed
Accessary before the Fact	–	–	–	–	–	–	–	–	–	–	–	–
Burglary	1	Simple Larceny, 1	–	18	15; Simple Larceny, 3	6	7	7	1	15	8; Larceny in a D^{s}-house, 4 Simple Larceny, 3	2
Cattle Stealing	1	1	–	–	–	–	–	–	–	–	–	–
Dwelling House, entering, with intent to cut, &c. wrought Silk and manufacturing Implements	–	–	–	–	–	–	–	–	–	6	6	4
Forgery	3	3	3	4	4	2	1	1	1	4	4	3
Horse Stealing	5	5	2	4	4	–	4	4	–	7	7	–
Housebreaking in the Day-time, and Larceny therein	–	–	–	–	–	–	1	1	–	–	–	–
Larceny in a Dwelling House, to the value of 40*s.*	9	4; Simple Larceny, 4 Burglary, 1	3	3	3	1	6	1; Simple Larceny, 5	2	8	2; Cheat - 1 Simple Larceny, 5	3
Larceny on a Navigable River, to the value of 40*s.*	–	–	–	1	Simple Larceny, 1	–	–	–	–	–	–	–
Larceny, privily from a Person, to the value of 1*s.*	–	–	–	1	1	–	–	–	–	4	1; Robbery, 2 Simple Larceny, 1	–
Larceny, privily in a Shop, to the value of 5*s.*	1	1	–	–	–	–	–	–	–	3	Simple Larceny, 3	–
Letter, secreting, containing a Bank Note, being a Person employed in the Post Office	–	–	–	–	–	–	–	–	–	–	–	–
Murder	–	–	–	4	4	4	6	6	6	3	3	1
Oath, false, to receive a Seaman's Wages	–	–	–	1	Forgery, 1	–	–	–	–	–	–	–
Personating another, and obtaining a Transfer of Bank Annuities	–	–	–	–	–	–	1	1	1	–	–	–
Personating another to receive a Seaman's Wages	3	3	3	–	–	–	–	–	–	–	–	–
Rape	1	1	1	–	–	–	1	1	–	2	2	1
Robbery	7	7	4	9	9	5	17	17	8	17	15; Simple Larceny, 2	11
Sheep Stealing	1	1	–	–	–	–	2	2	–	–	–	–
Shooting at another maliciously	–	–	–	–	–	–	8	5; Riot - - 1 Murder, 2	–	–	–	–
Sodomy	–	–	–	–	–	–	–	–	–	–	–	–
Transport at large, without lawful cause	1	1	–	–	–	–	2	2	1	2	2	2
Treason, high, relating to Coin	1	1	–	1	1	1	–	–	–	–	–	–
	34	–	16	46	–	19	56	–	20	71	–	27

Appendix, No. 5—*continued.*

and of those who were Executed in London and Middlesex, &c.—*continued.*

YEARS:—

1770.			1771.			1772.			1773.			1774.			1775.		
Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed
–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–
26	25; Robbery, 1	18	27	25; Robbery, 1 Simple Larceny, 1	14	18	15; Robbery, 3	14	32	28; Simple Larceny, 3 Highway Robbery, 1	11	21	17; Simple Larceny, 3 Robbery, 1	14	20	15; Robbery, 3 Simple Larceny, 2	6
–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	3	1; Burglary, 2	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	4	4	2	6	5; Simple Larceny, 1	1	6	6	3	2	2	2	3	3	2
3	3	1	4	3; Robbery, 1	–	1	Simple Larceny, 1	–	4	4	–	4	4	–	3	3	–
1	Simple Larceny, 1	1	1	Simple Larceny, 1	–	2	2	2	2	Simple Larceny, 2	–	–	–	–	1	Simple Larceny, 1	–
7	1; Simple Larceny, 3 Burglary, 3	4	6	1; Simple Larceny, 5	2	6	2; Simple Larceny, 3 Larceny in a Warehouse - 1	1	8	3; Simple Larceny, 5	–	22	3; Simple Larceny, 18 Highway Robbery, 1	3	7	Simple Larceny, 5 No commitment, 2	2
–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	2	Simple Larceny, 2	–	1	Simple Larceny, 1	–	–	–	–	2	1; Simple Larceny, 1	–	2	2	–
1	1	–	1	Simple Larceny, 1	1	1	1	–	4	1; Simple Larceny, 3	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	–	–	–
6	6	4	9	4; Burglary, 5	9	–	–	–	2	2	2	1	1	–	2	2	2
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	1	1	1	–	–	–	–	–	–
43	34; Burglary, 1 Larceny - 6 Murder - 2	17	12	10; Larceny, privily from a Person, 2	6	46	42; Simple Larceny, 2 Rape - 2	10	20	20	4	27	25; Larceny in a Dwelling House - 1 Simple Larceny, 1	8	33	26; Simple Larceny, 3 No com[t] 2 Felony, 1 Burglary, 1	12
–	–	–	–	–	–	1	1	–	4	4	–	2	2	–	–	–	–
1	1	1	1	1	1	–	–	–	2	2	1	1	1	–	1	1	–
1	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	2	2	1	1	1	7	7	1	2	2	–	3	3	1	7	6; Burglary, 1	1
–	–	–	1	1	1	3	3	2	2	2	1	2	2	1	5	5	5
91	–	49	70	–	37	92	–	31	91	–	23	89	–	30	87	–	30

Appendix, No. 5—*continued*

A STATEMENT of the Number of Persons who were Capitally Convicted, and of

YEARS:

	1776.			1777.			1778.			1779.		
	Convicted of.	Committed for.	Executed.	Convicted of.	Committed for.	Executed.	Convicted of.	Committed for.	Executed.	Convicted of.	Committed for.	Executed.
Arson	–	–	–	–	–	–	–	–	–	–	–	–
Burglary	19	13; Simple Larceny 5, Robbery, 1	9	19	13; Simple Larceny, 3 Highway Robbery, 3	12	29	28; Simple Larceny, 1	24	16	15; Highway Robbery, 1	7
Cattle Stealing	–	–	–	1	1	–	–	–	–	–	–	–
Coin, counterfeit putting off at a lower rate, &c. having before been allowed the benefit of Clergy	–	–	–	–	–	–	–	–	–	–	–	–
Customs, assembling with others, being armed, in order to rescue uncustomed Goods after seizure, and molesting the Officers in securing the Goods after seizure	–	–	–	–	–	–	–	–	–	–	–	–
Dwelling-house, entering and destroying Silk in a loom	–	–	–	–	–	–	–	–	–	–	–	–
Forgery	2	2	1	3	3	1	2	2	–	2	1; Stealing a Bill of Exchange, 1	2
Horse, wilfully and maliciously wounding	–	–	–	–	–	–	–	–	–	–	–	–
Horse Stealing	3	3	–	4	4	–	3	2; Robbery, 1	–	4	4	–
Housebreaking in the Day-time, and Larceny therein	–	–	–	4	Simple Larceny, 4	–	–	–	–	–	–	–
Larceny in a Dwelling-house to the value of 40*s.*	7	Robbery, 1 Privately Person, 1 Simple Larceny 4 Burglary, 1	3	8	2; Simple Larceny, 6	5	8	2; Simple Larceny, 6	2	10	2; Burglary, 1 Privately in a Shop, 1 Robbery, 1 Simple Larceny, 4 Larceny on Person, 1	4
Larceny on a Navigable River, to the value of 40*s.*	–	–	–	–	–	–	–	–	–	–	–	–
Larceny privily from a Person, to the value of 1*s.*	1	Simple Larceny, 1	–	–	–	–	–	–	–	–	–	–
Larceny privily in a Coach-house, to the value of 5*s.*	–	–	–	–	–	–	–	–	–	–	–	–

Appendix, No. 5—*continued.*

those who were Executed in London and Middlesex, &c.—*continued.*

YEARS:

1780.			1781.			1782.			1783.			1784.			1785.		
Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed.
1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	—
6	4; Larceny in a Dwelling-House, 1 Simple Larceny, 1	4	8	6: Simple Larceny, 1 Robbery, 1	3	17	9; House-breaking, 1 Simp.Lar. 6 Larceny, privately in a Shop, 1	5	14	10; Simple Larceny, 2 Larc.Pers. 1 Larceny in a Dwelling-House, 1	9	37	33; Simple Larceny, 4	29	42	35; Simp.Lar. 4 Privately in a Stable, 1 Horse Stealing, 1 Larceny in a Dw.-Ho. 1	26
1	1	—	2	Sheep Stealing, 2	—	—	—	—	—	—	—	2	2	—	1	—	—
—	—	—	—	—	—	—	—	—	—	—	—	1	1	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	1	Maliciously wounding, 1	1	—	—	—
—	—	—	—	—	—	1	1	—	—	—	—	—	—	—	—	—	—
—	—	—	1	1	—	9	8; Robbing a Mail, 1	5	9	9	5	6	6	5	6	6	4
—	—	—	—	—	—	—	—	—	1	1	—	—	—	—	—	—	—
4	3; Simple Larceny, 1	—	3	2; Simple Larceny, 1	—	3	3	—	9	8; Robbery, 1	—	12	10; Burglary, 1 Stealing a Cow, 1	1	5	4; Larceny in a Dwelling-House, 1	2
2	Simple Larceny, 2	1	2	Simple Larceny, 2	1	1	Larceny in a Dwelling-House, 1	1	2	2	2	2	1; Burglary, 1	1	7	Simple Larceny, 5 Larceny in a Dw.-Ho. 1 Burglary, 1	4
12	3; Simple Larceny, 8 Larceny in a Shop, 1	5	17	6; Simple Larceny, 11	3	26	14; Robbery m a Person in a Dw.-Ho. 2 Simp. Lar. 7 Larc.Pers. 1 Maliciously wounding, 1 Felony, 1	12	26	16; Simp.Lar. 6 Robbing a Person in a Dw.-Ho. 1 Burglary, 2 Larceny in a Shop, 1	12	16	7; Simp.Larc.5 Burglary, 1 Cutt[s] Silk, 1 Obtaining Money by false pretences, 1	5	15	5; Simple Larceny, 6 Burglary, 1 House-breaking, 3	6
—	—	—	—	—	—	—	—	—	—	—	—	1	1	—	6	4; Simple Larceny, 2	5
1	Simple Larceny, 1	—	2	1; Simple Larceny, 1	—	1	Simple Larceny, 1	—	—	—	—	6	3; Robbery, 3	—	—	—	—
—	—	—	—	—	—	2	2	—	—	—	—	—	—	—	—	—	—

Appendix, No. 5—*continued.*

A STATEMENT of the Number of Persons who were Capitally Convicted,

YEARS:

	1776.			1777.			1778.			1779.		
	Convict^{d} of.	Committed for.	Executed.	Convict^{d} of.	Committed for.	Executed.	Convict^{d} of.	Committed for.	Executed.	Convict^{d} of.	Committed for.	Executed.
(*continued.*)												
Larceny privily in a Shop, to the value of 5 *s.*	4	1; Simple Larceny, 3	–	1	1	–	1	Simple Larceny, 1	–	2	1; Simple Larceny, 1	–
Larceny privily in a Stable, to the value of 5 *s.*	–	–	–	–	–	–	1	1	1	–	–	–
Larceny privily in a Warehouse, to the value of 5 *s.*	–	–	–	–	–	–	–	–	–	–	–	–
Letter, Threatening	–	–	–	–	–	–	1	1	–	1	1	–
Letter, Secreting, containing valuable Securities, being employed in the Post Office	–	–	–	–	–	–	–	–	–	1	1	1
Mail, Stealing Bags and Letters from	–	–	–	–	–	–	–	–	–	–	–	–
Maiming a Person maliciously, and lying in wait	–	–	–	–	–	–	–	–	–	–	–	–
Murder	6	6	6	2	2	2	1	1	1	1	1	1
Naval Stores, Stealing, to the value of 20*s.*	–	–	–	–	–	–	–	–	–	–	–	–
Oath, False, to receive a Seaman's Wages	–	–	–	–	–	–	–	–	–	–	–	–
Personating another, and obtaining a Transfer of Bank Annuities	–	–	–	–	–	–	–	–	–	–	–	–
Personating another, to receive a Seaman's Wages	–	–	–	–	–	–	–	–	–	–	–	–
Rack and Tenters, Cutting and Stealing Cloth from	–	–	–	–	–	–	–	–	–	–	–	–
Rape	–	–	–	1	1	1	1	1	1	1	1	1
Riot, and demolishing Dwelling-houses, &c.	–	–	–	–	–	–	–	–	–	–	–	–
Robbery	28	27; Simple Larceny, 1	10	16	12; Maliciously Shooting, 1 Larceny in Dw. Ho. 1 Burglary, 1 Larceny on Person, 1	9	31	26; Simple Larceny, 3 Defraud, 2	6	13	11; Simple Larceny, 2	5
Sheep Stealing	1	1	–	–	–	–	–	–	–	1	1	–
Shooting at another maliciously	–	–	–	1	1	–	3	2; Transports at large, 1	3	–	–	–
Sodomy	2	2	2	–	–	–	–	–	–	–	–	–
Stamps, denoting the Payment of Duties, forging them	–	–	–	–	–	–	–	–	–	–	–	–
Transport at large, without lawful cause	3	2; Simple Larceny, 1	–	1	1	–	–	–	–	1	Robbery, 1	–
Treason, High, compassing the King's Death	–	–	–	–	–	–	–	–	–	–	–	–
Treason, High, relating to Coin	10	10	7	1	1	1	1	1	–	4	4	3
	86	–	38	62	–	31	82	–	38	57	–	24

Appendix, No. 5—*continued.*

and of those who were Executed in London and Middlesex, &c.—*continued.*

YEARS:

1780.			1781.			1782.			1783.			1784.			1785.		
Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed.	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed.
4	3; Larceny in a Dwelling-House, 1	–	5	2; Larceny in a Dwelling-House, 3	–	10	4; Simple Larceny, 3 Larceny in a Dwelling-House, 3	1	9	3; Privily in a Dw.-Ho. 3 Simple Larceny, 2 Privily in a Shop, 1	1	8	1; Divers Robberies, 1 Privily in a Shop, 2 Larceny in Dw.-Ho. 1 Simp.Lar. 3	–	11	4; Simple Larceny, 6 Privily in a Shop, 1	2
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	Larceny in Dw.-Ho. 1	–	–	–	–	–	–	–	1	Stealing in Dw.-Ho. 1	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	1	1	–	–	–	–	–	–	1	1	–	–	–	–	1	1	–
–	–	–	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	1	Cutting and Maiming, 1	1	–	–	–	–	–	–
1	1	1	–	–	–	1	1	1	3	3	2	1	Robbery, 1	1	1	1	1
–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–
–	–	–	2	2	1	–	–	–	–	–	–	2	2	2	3	3	1
–	–	–	–	–	–	1	1	1	–	–	–	1	1	1	–	–	–
–	–	–	–	–	–	–	–	–	6	6	3	7	7	2	–	–	–
–	–	–	2	Simp.Lar. 2	–	–	–	–	–	–	–	–	–	–	–	–	–
1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
33	30; Sim. Lar. 3	18	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
27	21; Simple Larceny, 4 Assault with intent to rob, 2	10	44	44	23	34	28; Simple Larceny, 4 Murder, 2	14	49	45; Simple Larceny, 3 Larceny on Person, 1	13	43	37; Simp.Lar. 4 Returning from Transportation, 1 Burglary, 1	22	43	41; On Navigable River from Person, 1 Simp.Lar. 1	25
–	–	–	–	–	–	1	1	–	4	4	–	–	–	–	3	3	2
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2	1
1	Robbery, 1	–	–	–	–	3	2; NoCommt 1	–	33	32; Forgery, 1	8	7	7	1	6	5; Simp.Lar. 1	4
–	–	–	1	1	1	2	2	2	2	2	2	–	–	–	–	–	–
3	3	3	2	2	1	4	4	4	2	2	1	–	–	–	–	–	–
99	–	43	92	–	34	116	–	46	173	–	59	153	–	71	153	–	83

Appendix, No. 5—*continued.*

A STATEMENT of the Number of Persons who were Capitally Convicted,

YEARS:

	1786.			1787.			1788.			1789.		
	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed
Arson	–	–	–	1	1	1	1	1	1	–	–	–
Arson, and Stealing in a Dwelling-house to the value of 40*s.*	–	–	–	–	–	–	–	–	–	–	–	–
Burglary	38	28; Sim. Lar. 4, Larceny in a D^{e} Ho. 3, Ho. B^{e}. 2, Felony, 1	27	30	21; Simple Larceny, 3, Larceny in a Dw^{e}-ho. 3, Felony, 1, Rogue and Vag. 1, Ho. B^{e}. 1	24	19	11; Larceny in a Shop, 1, Sim. Lar. 6, Divers Robb^{s}. 1	5	22	18; Sim. Lar. 2, Ho. B^{e}. 2	4
Cattle Stealing	3	3	–	–	–	–	1	1	–	1	1	–
Customs, assembling with others, being armed, and rescuing uncustomed Goods that had been seized	–	–	–	1	1	1	2	1; Assault^{e} an Officer, 1	1	–	–	–
Forgery	3	3	2	4	4	3	3	3	3	3	3	2
Horse Stealing	12	9; Sim. Lar. 1, No Comm^{t}. 2	5	5	4; Sim. Lar. 1	–	11	11	–	4	4	1
Housebreaking in the Day-time, and Larceny therein	2	Sim. Lar. 2	1	9	5; Sim. Lar. 2, Larceny in a D^{e} Ho. 2	5	2	1; Sim. Lar. 1	1	4	Sim. Lar. 2, Burglary, 1, Larceny in a D^{e} Ho. 1	1
Larceny in a Dwelling-house, to the value of 40*s.*	14	6; Burglary, 3, Sim. Lar. 5	5	13	3; Sim. Lar. 9, Burglary, 1	4	9	1; Sim. Lar. 5, Larceny on Person, 3	–	8	2; Sim. Lar. 6	1
Larceny on a Navigable River, to the value of 40*s.*	–	–	–	1	1	1	2	2	–	–	–	–
Larceny, privily from a Person, to the value of 1*s.*	1	Sim. Lar. 1	–	1	Sim. Lar. 1	–	–	–	–	4	1; Robbery, 3	–
Larceny, privily in a Shop, to the value of 5*s.*	2	Burglary, 1, Sim. Lar. 1	–	7	2; Sim. Lar. 3, Privily in a Shop, 2	–	–	–	–	4	2; Sim. Lar. 2	–
Letter, Secreting, containing valuable Securities, and being employed in the Post Office	1	1	1	–	–	–	–	–	–	–	–	–
Murder	5	4; Robbery, 1	5	1	1	1	–	–	–	2	2	2
Oath, False, to receive a Seaman's Wages	1	1	–	–	–	–	1	1	1	–	–	–
Personating another, to obtain a Transfer of Bank Annuities	–	–	–	1	1	1	–	–	–	–	–	–
Personating another, to receive Dividend on Bank Annuities	–	–	–	–	–	–	–	–	–	–	–	–
Personating another, to receive a Seaman's Wages, &c.	–	–	–	–	–	–	–	–	–	–	–	–
Rape	–	–	–	–	–	–	–	–	–	–	–	–
Riot, and Demolishing Dwell^{s}-houses, &c.	–	–	–	–	–	–	–	–	–	–	–	–
Robbery	42	40; Sim. Lar. 2	21	39	32; Sim. Lar. 5, No Comm^{t}. 1, Maliciously Wound^{s}. 1	25	24	19; Sim. Lar. 5	5	37	31; Sim. Lar. 3, No Comm^{t}. 1, Divers Robb^{s}. 2	9
Sheep Stealing	1	1	–	2	2	1	–	–	–	2	2	–
Shooting at another maliciously	1	1	–	–	–	–	–	–	–	–	–	–
Stamps to denote Payment of Duties, forging	–	–	–	–	–	–	–	–	–	–	–	–
Transport at large	3	2 Larceny in D^{e}. Ho. 1	1	1	1	–	4	3; Sim. Lar. 1	2	4	3; Sim. Lar. 1	–
Treason, High, relating to Coin	2	2	2	1	1	1	6	6	3	5	5	5
	131	–	70	117	–	68	85	–	22	100	–	25

Appendix, No. 5—*continued.*

and of those who were Executed, in London and Middlesex.—*continued.*

YEARS:

1790.			1791.			1792.			1793.			1794.			1795.		
Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed
–	–	–	1	1	1	–	–	–	–	–	–	1	1	–	–	–	–
2	2	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
18	11; Sim. Lar. 7	5	10	8; Felony, 1 Larceny in a D^{e} Ho. 1	3	24	17; Larceny in a D^{e} Ho. 6 Sim. Lar. 1	9	11	5; Larceny in a D^{e} Ho. 3 Sim. Lar. 2 from Clerkenwell, 1	–	6	4; Sim. Lar. 2	–	13	9; Sim. Lar. 1 Larceny in a D^{e} Ho. 1 Ho. B^{e}. 2	4
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	1	1	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–
4	4	3	2	2	2	6	6	5	2	2	–	5	5	3	4	4	3
2	1; Obtaining Money by false Pretences, 1	–	6	6	3	4	4	1	1	1	–	2	2	–	2	2	–
1	1	–	3	1; Sim. Lar. 2	–	4	2; Larceny in a D^{e} Ho. 2	–	3	Sim. Lar. 1 Larceny in a D^{e}. Ho. 2	–	4	1; Larceny in a D^{e}. Ho. 2 Burglary, 1	–	1	1	–
5	2; Burglary, 1 Sim. Lar. 1 Larceny in a Shop, 1	1	12	3; Sim. Lar. 8 Robbery, 1	2	13	5; Burglary, 3 Robbery, 1 Larceny on Person, 4	2	17	4; Larceny in Warehoc. 1 Sim. Lar. 6 Larceny on Person, 2 Larceny at Lodging, 1 Burglary, 3	1	10	4; Sim. Lar. 5 Receiving Stolen Goods, 1	–	14	6; Removed from Norfolk, 1 Robbery, 1 Burglary, 2 Sim. Lar. 4	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	1	1	–	2	Sim. Lar. 2	–	–	–	–	1	1	–	–	–	–
5	1; Sim. Lar. 2 Privily in a Shop, 2	–	3	1; Sim. Lar. 2 Privily in a Shop,	–	3	1; Sim. Lar. 2	–	6	4; Sim. Lar. 2	2	1	1	–	4	Sim. Lar. 4	–
–	–	–	–	–	–	2	2	2	–	–	–	2	2	2	2	2	1
5	4; Maliciously Wounds. 1	4	3	3	3	2	2	2	–	–	–	–	–	–	1	1	1
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	1	1	1	–	–	–	–	–	–	–	–	–
–	–	–	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	1	1	–	1	1	1	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	4	4	1	1	1	1
15	12; Sim. Lar. 3	3	35	25; Sim. Lar. 9 Rec^{e} Stolen Goods, 1	16	29	26; Sim. Lar. 3	7	19	18; Robbery in D^{e}. Ho. 1	3	26	22; Threat^{s} Letter, 2 Sim. Lar. 2	7	8	8	2
1	No Comm^{t}. 1	–	5	4; Sim. Lar. 1	1	2	2	–	1	1	–	1	1	–	2	2	–
2	2	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1
2	1; No Comm^{t}. 1	1	1	Sim. Lar. 1	1	4	4	2	–	–	–	2	2	–	–	–	–
6	6	4	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
68	–	23	83	–	33	96	–	31	61	–	6	68	–	14	56	–	14

Appendix, No. 5—*continued.*

A STATEMENT of the Number of Persons who were Capitally Convicted,

	YEARS:								
	1796.			1797.			1798.		
	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed	Convict^{d} of.	Committed for.	Executed
Arson	–	–	–	–	–	–	–	–	–
Bank Clerk, Secreting and Stealing an Exchequer Bill he was entrusted with	–	–	–	–	–	–	–	–	–
Burglary	19	15; Simple Larceny, 4	–	16	14; Simple Larceny, 2	1	12	11; House-breaking, 1	4
Cattle Stealing	1	1	–	1	1	–	1	1	–
Counterfeit Coin, Uttering of, having been before convicted of being common Utterers of Counterfeit Coin	–	–	–	–	–	–	–	–	–
Counterfeit Coin, putting off at a Lower Rate, &c. having been before convicted, and allowed the Benefit of Clergy	–	–	–	–	–	–	1	1	–
Customs, assembling with others, being armed, and rescuing uncustomed Goods that had been seized	–	–	–	–	–	–	–	–	–
Forgery	7	7	4	5	5	5	12	10; Simple Larceny, 1 Uttering, 1	8
Horse Stealing	2	2	–	3	3	–	2	2	–
Housebreaking in the Day-time, and Larceny therein	2	2	1	9	1; Lar^{y} in a D^{e}-house, 4 Simple Larceny, 1 Burglary, 3	–	2	2	–
Larceny in a Dwelling-house, to the value of 40*s.*	13	4; Simple L^{y}, 6 No Commitment, 1 Burglary, 2	–	11	6; Simple Larceny, 4 Burglary, 1	–	11	4; Simple Larceny, 6 Burglary, 1	–
Larceny in an Outhouse belonging to a Dwelling-house, to the value of 40*s.*	–	–	–	1	Dw^{e}-house Larceny, 1	–	1	1	–
Larceny on a Navigable River, to the value of 40*s.*	2	Simple Larceny, 2	–	–	–	–	2	2	2
Larceny on a Wharf adjacent to a Navigable River, to the value of 40*s.*	–	–	–	–	–	–	1	1	–
Larceny, privily from a Person, to the value of 1*s.*	2	2	–	1	Simple Larceny, 1	–	2	Simple Larceny, 2	–
Larceny, privily in a Shop, to the value of 5*s.*	2	2	–	3	2; Simple Larceny, 1	–	4	4	–
Larceny, privily in a Stable, to the value of 5*s.*	–	–	–	–	–	–	–	–	–
Letter, Secreting, containing valuable Securities, and being employed in the Post Office	1	1	1	1	1	–	1	1	1
Letter, Threatening, sending to a Person without a Name subscribed thereto, demanding a Bank Note	1	1	–	–	–	–	–	–	–
Murder	5	5	5	3	3	3	1	1	1
Personating a Seaman, to obtain his Wages, &c.	–	–	–	–	–	–	1	1	–
Rape	2	2	1	1	1	1	1	1	1
Robbery	12	11; Simple Larceny, 1	1	17	16; Simple Larceny, 1	5	12	12	2
Sacrilege	–	–	–	1	1	–	–	–	–
Sheep Stealing	2	2	–	–	–	–	6	5; Killing a Sheep, 1	–
Shooting at another maliciously	–	–	–	2	2	2	–	–	–
Sodomy	1	1	1	1	1	–	–	–	–
Soldier, seducing a Person serving in His Majesty's Forces by land from his Duty and Allegiance	–	–	–	1	1	–	–	–	–
Soldier, inciting a Person serving in His Majesty's Forces by Land to join Persons intending to join with and aid Napoleon Buonaparte, and the Citizens of the French Republic, with whom His Majesty and his Subjects were at war	–	–	–	–	–	–	–	–	–
Stabbing and Cutting another with a sharp Instrument, with intent, &c.	–	–	–	–	–	–	–	–	–
Stamps denoting the Payment of Duties, Forging	–	–	–	–	–	–	1	Promissory Note - 1	–
Transport at large	11	10; No Com^{t}, 1	–	5	3; No Com^{t}, 2	–	1	1	–
Treason, High, relating to Coin	2	2	–	2	2	2	5	5	2
	87	–	4	84	–	19	80	–	21

Appendix, No. 5—*continued.*

and of those who were Executed in London and Middlesex, &c.—*continued.*

YEARS:

1799.			1800.			1801.			1802.			1803.			1804.		
Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed	Convict[d] of.	Committed for.	Executed
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–
9	7; Simple Larceny, 2	3	34	32; No Com[t] 1 Simple Larceny, 1	10	22	21; Simple Larceny, 1	–	14	13; Simple Larceny, 1	1	14	11; Simple Larceny, 3	–	15	13; Simple Larceny, 2	–
–	–	–	2	2	–	2	2	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	4	4	–	3	3	–	2	2	–
–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–
7	5; Utt[s] forged Pro[y] Note, 1 Utt[s] Bill of Exch[ge] 1	5	5	4; Fraud - 1	4	4	4	2	5	5	2	4	4	2	8	8	5
6	6	–	8	8	1	6	6	–	4	4	–	10	10	–	5	5	2
3	Burglary, 1 Simple Larceny, 1 Larceny in a Dwelling-house - 1	1	1	Simple Larceny, 1	–	2	1; Burglary, 1	–	2	2	–	8	2; Simple Larceny, 3 Lar[y] in a D[e]-house, 2 Burglary, 1	–	1	Simple Larceny, 1	–
11	1; Simple Larceny, 9 Burglary, 1	–	13	2; L[y] in Shop 2 Simple L[y] 8 Burglary, 1	–	22	6; L[y] in Shop 4 Simple L[y], 8 Burglary, 3 Housebr[g] 1	–	30	8; Simple Larceny, 12 Burglary 3	3	11	7; Simple Larceny, 3 Housebr[g] 1	–	13	3; Simple L[y], 7 No Com[t], 1 Burglary, 2	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	2	2	–	–	–	–	2	Simple Larceny, 2	–	2	1; Simple L[y], 1	–
–	–	–	2	1; Simple L[y], 1	1	–	–	–	–	–	–	–	–	–	–	–	–
1	Larceny in the Mint, 1	1	2	1; Simple Larceny, 1	–	4	1; L[y] from P[ce] 1 Simple L[y] 2	–	1	1	–	1	1	–	1	Simple Larceny, 1	–
5	3; Simple Larceny, 2	–	3	3	–	4	3; L[y] in Dwelling-house, 1	–	4	2; Simple Larceny, 2	–	3	1; Simple Larceny, 2	–	6	3; Simple Larceny, 3	–
–	–	–	–	–	–	1	Simple Larceny, 1	–	–	–	–	–	–	–	–	–	–
1	1	1	1	1	1	1	1	–	–	–	–	1	1	1	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
4	3; Riot - 1	3	1	1	1	2	2	2	–	–	–	2	2	2	1	1	–
1	1	1	–	–	–	–	–	–	1	1	1	2	2	1	–	–	–
–	–	–	–	–	–	1	1	1	–	–	–	–	–	–	–	–	–
14	13; Privily from Person - 1	1	13	13	4	15	10; Simple L[y], 4 Ext[e] Mon[y] 1	5	22	21; Simple Larceny, 1	–	9	8; Simple Larceny, 1	2	5	5	–
–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–
4	4	–	6	6	–	11	10; Simple Larceny, 1	–	2	2	–	1	1	–	–	–	–
2	2	2	1	1	1	–	–	–	1	1	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	1	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	4	2; No Com[t], 2	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	2	–	1	1	–	1	1	–	2	2	–	6	6	–	4	4	–
–	–	–	2	2	–	–	–	–	1	1	–	1	1	–	–	–	–
70	–	18	97	–	23	101	–	10	93	–	7	82	–	9	69	–	7

Thomas Shelton, Clerk of the Sessions of Oyer and Terminer and Gaol Delivery of Newgate.

Appendix, No. 6. - - - -

HOME CIRCUIT - - - AN ACCOUNT of the Gross Number of COMMITMENTS, and
from the Summer Assizes, 1st William and Mary, 1689, to the 5th George I,

	1.		2.		3.		4.		5.		6.		7.		8.		9.		10.	
OFFENCES.	1689.		1690.		1691.		1692.		1693.		1694.		1695.		1696.		1697.		1698.	
	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.
ARSON - - - - - -	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
BURGLARY - - - - -	13	4	7	4	7	5	7	6	8	3	16	12	13	6	9	3	21	12	16	8
CATTLE Stealing - - - - -	1	1	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
COINING - - - - - -	–	–	–	–	–	–	3	2	6	2	1	–	8	4	7	4	3	1	1	1
FELONY and Larceny - - -	4	1	–	–	–	–	1	–	1	–	1	1	–	–	–	–	–	–	–	–
FORGERY - - - - - -	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
HIGH Treason - - - - -	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	3	3	–	–
HIGHWAY Robbery - - - -	7	12	4	3	1	1	1	1	7	2	13	8	16	7	14	4	9	8	16	11
HORSE Stealing - - - - -	4	3	1	1	6	1	3	1	6	1	10	5	4	–	5	1	7	4	11	2
HOUSEBREAKING - - -	7	4	2	2	5	4	1	–	1	–	2	1	2	1	2	1	2	2	10	4
LARCENY in Dwelling-house - -	5	1	3	2	2	–	–	–	2	–	–	–	–	–	1	1	–	–	–	–
LARCENY from Person - - -	–	–	–	–	–	–	–	–	–	–	3	–	–	–	–	–	1	1	2	–
MURDER - - - - - -	22	18	7	5	–	–	2	1	2	–	7	7	2	–	20	15	4	4	5	2
NAVAL Stores, Embezzling - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
PETIT Treason - - - - -	2	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–
RAPE - - - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
ROBBERY - - - - - -	–	–	–	–	–	–	2	2	–	–	1	–	2	2	1	–	–	–	4	2
SACRILEGE - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–
SHEEP Stealing - - - - -	1	1	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
SHOPS, Warehouses, &c. privately Stealing in - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	66	47	25	18	22	11	21	13	33	8	54	34	47	20	61	29	52	37	65	30

Appendix, No. 6.

of the CAPITAL CONVICTIONS and EXECUTIONS, on the Home Circuit, Lent Assizes, 1718, inclusive; being a Period of 30 Years.

11.		12.		13.		14.		15.		16.		17.		18.		19.		20.		21.		22.		23.	
1699.		1700.		1701.		1702.		1703.		1704.		1705.		1706.		1707.		1708.		1709.		1710.		1711.	
Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.
–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
17	11	17	7	7	7	2	2	11	9	6	2	7	3	2	2	7	5	6	4	4	2	6	5	5	2
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
3	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
14	5	3	2	4	–	–	–	3	–	2	–	4	1	3	2	1	–	–	–	1	–	–	–	4	2
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
11	5	15	11	7	7	1	1	1	–	2	2	1	1	5	2	–	–	3	1	6	1	6	3	3	1
13	5	11	1	6	5	7	4	4	–	6	1	2	1	2	–	3	–	4	–	13	–	12	9	9	4
5	5	5	2	4	4	3	3	–	–	–	–	1	–	6	3	1	–	1	1	–	–	8	5	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	3	1	1	–	–	–	–	–	–	–	2	–	2	–	1	–	–	–	1	–	1	1	1	–
5	4	1	–	1	1	–	–	1	1	3	2	4	2	1	1	2	1	3	–	1	1	2	2	2	2
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	1	–
5	1	1	–	3	–	–	–	2	1	1	–	1	–	2	2	–	–	2	1	4	–	–	–	2	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	2	1	–	–	–	–	–	–	–	–	–	–	–	–	3	–	–	–	–	–	–	–	–	–
75	38	58	25	33	24	14	10	22	11	21	7	22	8	24	12	19	7	19	7	31	4	35	25	28	12

continued on pages 166 & 167.

Appendix, No. 6—*continued.*

HOME CIRCUIT - - - An Account of the Gross Number of Commitments, and of the Capital Convictions

Continued from the preceding pages.	24.		25.		26.		27.		28.		29.		30.			
OFFENCES.	1712.		1713.		1714.		1715.		1716.		1717.		1718.		TOTAL Number Convicted.	TOTAL Number Executed.
	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.		
ARSON	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	1
BURGLARY	6	2	9	6	37	30	6	5	9	8	15	11	6	2	302	188
CATTLE Stealing	–	–	1	1	–	–	–	–	–	–	–	–	–	–	4	2
COINING	–	–	–	–	–	–	–	–	–	–	2	–	–	–	34	16
FELONY and Larceny	7	1	1	–	19	7	19	12	16	6	25	12	16	6	149	58
FORGERY	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	1
HIGH Treason	–	–	–	–	–	–	–	–	–	–	–	–	–	–	4	3
HIGHWAY Robbery	3	2	11	8	1	–	–	–	–	–	–	–	–	–	164	102
HORSE Stealing	6	4	2	–	1	–	–	–	–	–	–	–	–	–	158	53
HOUSEBREAKING	4	2	3	1	3	3	–	–	–	–	–	–	–	–	78	48
LARCENY in Dwelling-house	–	–	–	–	3	1	–	–	–	–	–	–	–	–	16	5
LARCENY from Person	–	–	2	–	3	–	–	–	–	–	–	–	–	–	24	3
MURDER	5	4	1	1	8	7	4	2	5	4	3	–	–	–	123	87
NAVAL Stores, Embezzling	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
PETIT Treason	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	3
RAPE	–	–	1	1	1	–	1	–	–	–	–	–	1	1	7	3
ROBBERY	5	2	1	1	5	4	8	8	11	8	8	1	6	5	77	40
SACRILEGE	1	1	–	–	1	–	–	–	2	2	–	–	–	–	6	4
SHEEP Stealing	–	–	1	1	–	–	–	–	–	–	–	–	–	–	3	2
SHOPS, Warehouses, &c. privately Stealing in	1	1	1	–	1	1	–	–	–	–	–	–	–	–	8	3
	38	19	34	20	83	53	38	27	43	28	53	24	29	14	1,165	622

Appendix, No. 6—*continued.*

and Executions, on the Home Circuit, from the Summer Assizes, 1st William and Mary, 1689, &c.—*continued.*

THE Average Number of Prisoners CONVICTED for 10 Years, from 1688 to 1698, is - - - 45
The Average Number EXECUTED - - - - - - - - - - - - - - 26

Average Number of CONVICTIONS from 1698 to 1708 - - - - - - - - - - 30
- - - D° - - EXECUTIONS - - D° - - - - - - - - - - 14

Average Number of CONVICTIONS from 1708 to 1718 - - - - - - - - - - 41
- - - D° - - EXECUTIONS - - D° - - - - - - - - - - 22

The Average Number of CONVICTIONS for the above 30 years, is - - - - 38
The Average Number of EXECUTIONS for the same period, is - - - - - 20
} yearly.

GROSS NUMBER OF PRISONERS COMMITTED IN EACH YEAR:

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.
1689.	1690.	1691.	1692.	1693.	1694.	1695.	1696.	1697.	1698.	1699.	1700.	1701.	1702.	1703.
293.	260.	250.	267.	308.	274.	301.	309.	386.	423.	500.	375.	288.	203.	201.

16.	17.	18.	19.	20.	21.	22.	23.	24.	25.	26.	27.	28.	29	30.
1704.	1705.	1706.	1707.	1708.	1709.	1710.	1711.	1712.	1713.	1714.	4715.	1716.	1717.	1718.
196.	160.	162.	148.	202.	248.	240.	245.	355.	377.	442.	372.	374.	358.	410.

Average for 10 years, from 1688 to 1698 - - - - - - - - - - - 307
Average from 1698 to 1708 - - - - - - - - - - - - 243
Average from 1708 to 1718 - - - - - - - - - - - - 342

The average Number of COMMITMENTS for the above 30 years, is - 297 yearly.

Tho. Geo. Knapp,
Deputy Clerk of Assize on the Home Circuit.

Appendix, No. 7.

HOME CIRCUIT. - - - AN ACCOUNT of the Gross Number of Prisoners COMMITTED, CAPITAL to the Summer Assizes, 24th George III, 1784, inclusive; being a Period of Thirty Years;

OFFENCES.	1. 1755.		2. 1756.		3. 1757.		4. 1758.		5. 1759.		6. 1760.		7. 1761.		8. 1762.		9. 1763.		10. 1764.	
	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.
ARSON	1	–	–	–	–	–	2	2	1	–	–	–	–	–	1	–	–	–	–	–
BLEACHING Ground, Larceny from	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
BOOTH, Robbery in	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
BUGGERY	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	1	1
BURGLARY	4	2	4	1	1	1	6	3	2	2	2	–	2	1	6	1	6	3	4	3
CATTLE Stealing	–	–	–	–	–	–	–	–	1	–	–	–	–	–	1	–	–	–	–	–
CATTLE Maiming	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
COINING	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
DEER Stealing	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
FELONY and Larceny	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
FORGERY	–	–	–	–	–	–	–	–	–	–	1	–	2	2	–	–	1	1	1	1
GIPSEY without Habitation, Telling Fortunes, &c.	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
HIGHWAY Robbery	8	3	7	1	7	2	11	2	6	3	8	–	5	1	4	–	22	8	16	8
HORSE Stealing	4	1	7	1	5	1	7	–	5	1	3	–	2	–	4	–	4	–	7	2
HOUSEBREAKING	3	–	1	–	1	–	4	1	–	–	–	–	–	–	–	–	2	–	–	–
LARCENY in Dwelling-house	4	2	1	–	3	–	2	–	1	–	5	–	–	–	1	–	1	–	–	–
LARCENY from Person	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–
MILLS, Pulling down, &c.	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
MURDER	2	2	6	6	2	2	6	6	3	2	–	–	3	3	–	–	2	–	2	2
NAVIGABLE River or Wharf, Larceny on	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
NAVAL Stores, Embezzling, &c.	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
PERSONATING Seamen, to receive Prize Money, &c.	–	–	–	–	–	–	–	–	–	–	–	–	1	1	2	2	–	–	1	1
PETIT Treason	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
POST Office, Mail Robbery, Stealing or Secreting Letters	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
RAPE	–	–	–	–	1	1	–	–	2	–	–	–	–	–	1	–	1	1	–	–
ROBBERY	–	–	–	–	–	–	–	–	–	–	2	–	–	–	–	–	–	–	–	–
SACRILEGE	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
SHEEP Stealing	3	–	5	–	2	–	12	3	–	–	2	–	1	–	–	–	1	–	6	–
SHOOTING maliciously	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–
SHOPS, Warehouses, &c. privately Stealing in	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
THREATENING or Incendiary Letters, Sending	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–
TRANSPORTATION, Returning from	1	1	–	–	–	–	–	–	2	1	–	–	–	–	–	–	–	–	–	–
	30	11	32	9	22	7	50	17	23	9	25	–	17	9	21	3	41	13	40	18
Total Number of Prisoners Committed in each Year	233		215		211		270		254		160		178		159		222		301	

Appendix, No. 7.

CONVICTIONS, and EXECUTIONS in each Year, from Lent Assizes, 28th George II, 1755, and the Total Number of Commitments, Convictions and Executions for that Period.

11.		12.		13.		14.		15.		16.		17.		18.		19.		20.		21.		22.		23.	
1765.		1766.		1767.		1768.		1769.		1770.		1771.		1772.		1773.		1774.		1775.		1776.		1777.	Continued on pages 170 & 171.
Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.
–	–	–	–	–	–	1	1	–	–	1	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–
1	–	4	–	9	1	12	3	6	–	11	7	5	–	21	10	13	4	11	3	18	6	11	2	10	2
1	–	–	–	–	–	2	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	1	–	2	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	4	1	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–
–	–	1	1	–	–	1	1	–	–	1	1	1	–	–	–	–	–	–	–	–	–	–	–	2	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
15	10	4	1	10	6	20	10	8	2	20	5	12	3	16	4	21	9	20	13	26	7	33	11	16	9
8	–	16	3	11	2	7	–	11	1	7	–	7	–	12	–	11	–	7	1	6	–	6	–	10	2
3	1	1	–	2	–	2	–	5	1	1	–	1	–	2	–	2	1	8	3	5	1	1	–	2	–
3	1	3	–	3	–	8	2	–	–	1	–	1	–	2	–	7	–	1	–	1	–	3	–	–	–
–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	1	–	1	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	–	–	–	–	–	–	–	–	–	–	–
1	–	2	2	1	1	–	–	2	2	1	1	2	2	2	2	3	2	2	2	4	2	2	2	1	1
–	–	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–
–	–	1	–	–	–	–	–	–	–	–	–	1	–	–	–	4	–	–	–	–	–	4	–	–	–
–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
3	–	9	–	2	–	8	–	5	1	–	–	4	–	4	–	6	–	4	–	4	–	3	1	9	–
–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	–	–	–	–	–	3	–	–	–	1	–	–	–	–	–	–	–	1	–	1	–	2	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	9	5	–	–	–	–	–	–	3	2	–	–	1	–	–	–	–	–	1	–	1	1	1	–
41	14	53	12	38	10	65	17	40	9	47	16	35	5	65	18	68	16	55	22	72	17	71	20	53	15
238		294		296		310		255		280		236		350		387		312		394		331		228	

Appendix, No. 7—*continued.* - - - -

HOME CIRCUIT. - - - An Account of the Gross Number of Prisoners

	24.		25.		26.		27.		28.		29.		30.			
Continued from the preceding pages. - - - - - - - -	1778.		1779.		1780.		1781.		1782.		1783.		1784.		TOTAL Number of Convictions.	TOTAL Number of Executions.
OFFENCES.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.		
ARSON - - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	8	4
BLEACHING Ground, Larceny from	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
BOOTH, Robbery in - - - -	–	–	–	–	–	–	1	1	–	–	–	–	–	–	1	1
BUGGERY - - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	3
BURGLARY - - - - -	8	4	6	4	6	2	11	7	14	5	12	10	19	14	245	101
CATTLE Stealing - - - - -	–	–	–	–	–	–	2	–	–	–	–	–	2	–	13	–
CATTLE Maiming - - - -	–	–	–	–	–	–	–	–	1	–	–	–	–	–	2	–
COINING - - - - - -	–	–	–	–	1	1	1	1	–	–	–	–	–	–	6	3
DEER Stealing - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–
FELONY and Larceny - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
FORGERY - - - - - -	2	2	–	–	–	–	–	–	–	–	–	–	–	–	13	10
GIPSEY without Habitation, Telling Fortunes, &c. - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
HIGHWAY Robbery - - -	18	6	10	4	13	6	23	7	17	11	38	14	33	12	467	78
HORSE Stealing - - - - -	8	–	5	–	4	1	6	2	1	1	14	2	16	1	221	22
HOUSEBREAKING - - -	1	–	3	–	1	1	3	–	2	–	8	3	4	–	68	12
LARCENY in Dwelling-house -	2	–	9	2	4	–	–	–	2	–	2	–	4	1	74	8
LARCENY from Person - -	–	–	–	–	–	–	–	–	–	–	1	–	–	–	6	–
MILLS, Pulling down, &c. - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	–
MURDER - - - - - -	1	1	–	–	5	4	–	–	3	2	7	6	2	2	67	57
NAVIGABLE River or Wharf, Larceny on - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–
NAVAL Stores, Embezzling, &c. -	–	–	1	–	–	–	–	–	–	–	–	–	–	–	1	–
PERSONATING Seamen, to receive Prize Money, &c. - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	6	6
PETIT Treason - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	3
POST Office, Mail Robbery, Stealing or Secreting Letters - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
RAPE - - - - - - -	2	–	–	–	–	–	2	2	1	–	1	–	–	–	13	5
ROBBERY - - - - - -	–	–	2	2	–	–	–	–	–	–	–	–	–	–	14	2
SACRILEGE - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
SHEEP Stealing - - - -	4	–	2	1	1	–	6	–	1	–	9	–	4	–	120	6
SHOOTING maliciously - -	–	–	1	–	–	–	–	–	–	–	–	–	–	–	3	–
SHOPS, Warehouses, &c. privately Stealing in - - - -	–	–	–	–	1	–	–	–	–	–	–	–	1	–	13	–
THREATENING or Incendiary Letters, Sending - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
TRANSPORTATION, Returning from - - - - -	1	–	–	–	–	–	1	–	–	–	1	–	3	–	25	10
	47	13	39	13	36	15	56	20	42	19	93	35	88	30	1,405	332
TOTAL Number of Prisoners Committed in each Year -	270		207		248		315		281		496		535			

Appendix, No. 7—*continued.*

Committed, Capital Convictions, and Executions in each Year, &c.—*continued.*

THE Average Number of Prisoners CONVICTED for Ten Years, from 1754 to 1764, is - - - 30.

The Average Number EXECUTED - - - - - - - - - - - - - - 9.

The Average of the Gross Number of Prisoners COMMITTED for Ten Years, from 1754 to 1764, is - 220.

AVERAGE Number of CONVICTIONS from 1764 to 1774, is - - - - - - - - - 50.

D° - - EXECUTIONS - - D° - - - - - - - - - - 13.

D° - - COMMITMENTS - D° - - - - - - - - - - 295.

AVERAGE Number of CONVICTIONS from 1774 to 1784 - - - - - - - - - 59.

D° - - EXECUTIONS - - D° - - - - - - - - - - 19.

D° - - COMMITMENTS - D° - - - - - - - - - - 330.

THE Average Number of CONVICTIONS for the above Thirty Years, is - - - - - 46

D° - - - EXECUTIONS - - - - D° - - - - - - 13 } Yearly.

D° - - - COMMITMENTS - - - D° - - - - - - 281

Thos. Geo. Knapp,

Deputy Clerk of Assize on the Home Circuit.

Appendix, No. 8. - - - -

HOME CIRCUIT. - - - AN ACCOUNT of the Gross Number of Prisoners COMMITTED, CAPITAL
Summer Assizes, 54th George 3d, 1814, inclusive; being a period of 30 Years;

	1.		2.		3.		4.		5.		6.		7.		8.		9.		10.	
OFFENCES.	1785.		1786.		1787.		1788.		1789.		1790.		1791.		1792.		1793.		1794.	
	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.
ARSON - - - - - -	–	–	1	1	–	–	1	–	1	1	–	–	–	–	–	–	–	–	–	–
BLEACHING Ground, Larceny from	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
BUGGERY - - - - - -	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
BURGLARY - - - - -	21	15	23	14	21	7	5	2	7	4	12	6	4	3	10	–	10	3	7	–
CATTLE Stealing - - -	2	1	–	–	–	–	–	–	–	–	–	–	–	–	3	–	1	–	1	–
COINING - - - - - -	2	2	–	–	1	1	–	–	–	–	–	–	–	–	–	–	1	1	–	–
FORGERY - - - - - -	–	–	1	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
HIGHWAY Robbery - - -	34	25	24	11	39	22	9	1	23	7	18	4	13	1	13	5	32	13	19	7
HORSE Stealing - - - -	18	5	11	3	12	2	13	3	16	1	12	5	7	–	13	2	8	–	12	2
HOUSEBREAKING - - -	5	3	10	5	4	–	5	1	–	–	–	–	3	–	3	2	4	1	6	–
LARCENY in Dwelling-house -	6	3	1	–	3	–	6	–	1	1	6	1	3	–	3	–	5	–	2	–
LARCENY from Person - -	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–
MURDER - - - - - -	2	1	1	1	4	3	–	–	–	–	2	2	2	2	–	–	–	–	–	–
NAVIGABLE River or Wharf, Larceny on - - - - - -	–	–	5	1	–	–	–	–	–	–	–	–	1	1	2	–	1	–	–	–
NAVAL Stores, Embezzling, &c. -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
PERSONATING Seamen, to receive Prize Money, &c. - - - -	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
PETIT Treason - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
POST Office, Mail Robbery, or Stealing or Secreting Letters, &c. -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
RAPE - - - - - - -	–	–	1	1	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–
RIOT and Demolishing Houses -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
ROBBERY - - - - - -	10	9	–	–	–	–	1	1	–	–	–	–	2	–	1	1	–	–	–	–
SACRILEGE - - - - -	–	–	2	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
SHEEP Stealing - - - -	5	–	4	–	15	3	1	–	4	–	6	3	3	–	4	–	–	–	3	–
SHOOTING maliciously - -	–	–	1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
SHOPS, Warehouses, &c. privately Stealing in - - - - -	–	–	3	–	7	1	1	–	2	–	–	–	–	–	–	–	1	–	–	–
SMUGGLERS, Armed, and assisting in Running unaccustomed Goods -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
STABBING and Cutting maliciously	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
THREATENING or Incendiary Letters, Sending - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
TRANSPORTATION, Returning from	1	–	–	–	–	–	–	–	–	–	–	–	–	–	2	1	–	–	–	–
TREES, maliciously Destroying, &c.	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
UTTERING Counterfeit Money, 3d offence - - - - -	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	106	64	90	40	107	40	43	8	54	14	56	21	39	8	55	12	64	18	50	9
TOTAL Number of Prisoners Committed in each Year -	625		672		711		453		766		568		433		479		417		363	

Appendix, No. 8.

CONVICTIONS, and EXECUTIONS in each Year, from the Lent Assizes, 25th George 3d, 1785, to the
and the Total Number of Commitments, Convictions, and Executions for that Period.

11.		12.		13.		14.		15.		16.		17.		18.		19.		20.		21.		22.		23.	
1795.		1796.		1797.		1798.		1799.		1800.		1801.		1802.		1803.		1804.		1805.		1806.		1807.	
Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.
–	–	1	–	–	–	–	–	1	1	–	–	1	–	–	–	2	2	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	–	1	–	2	1	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
2	1	9	5	22	5	16	3	19	4	13	8	42	1 3	20	5	18	3	15	1	8	3	18	3	20	3
2	–	–	–	2	–	2	1	1	–	2	2	1	1	1	–	–	–	–	–	–	–	2	1	1	–
2	2	–	–	2	1	–	–	–	–	1	1	1	1	–	–	–	–	–	–	–	–	2	–	–	–
1	–	1	–	1	–	1	1	2	1	–	–	–	–	2	1	1	1	–	–	–	–	1	1	1	1
7	1	13	4	11	6	10	4	15	6	18	4	23	20	24	12	7	1	6	–	9	3	4	–	1	–
5	–	10	1	6	2	13	3	8	1	10	–	19	6	16	2	5	2	9	–	15	3	6	–	6	–
2	–	3	–	4	1	2	–	3	1	16	3	11	2	5	–	11	1	5	–	9	1	6	–	8	2
2	–	–	–	1	1	4	–	1	–	9	–	7	2	4	–	8	1	7	–	16	2	12	1	12	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	1	–	1	–	–	–	–	–
3	1	2	2	1	1	1	1	4	4	1	1	2	2	–	–	2	2	1	–	2	2	–	–	5	4
–	–	–	–	–	–	2	–	3	–	–	–	–	–	1	–	5	4	3	–	5	–	–	–	–	–
–	–	–	–	–	–	2	–	–	–	–	–	5	4	–	–	1	–	–	–	1	1	–	–	2	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	2	2	–	–	–	–	–	–	1	–
–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	1	–	–	–	1	–	2	1	–	–	–	–	1	1	1	–	–	–	–	–	–	–
1	–	–	–	1	1	2	2	1	1	4	4	1	1	1	1	–	–	–	–	1	–	1	1	–	–
–	–	2	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	–	–	–	1	1	3	3	–	–	–	–	–	–
–	–	1	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
3	1	11	–	9	1	8	1	10	2	15	1	44	3	7	1	6	–	5	–	15	6	5	–	6	–
1	1	2	2	–	–	–	–	–	–	3	3	–	–	–	–	1	–	–	–	–	–	–	–	1	–
–	–	–	–	3	–	1	–	–	–	–	–	1	–	–	–	1	–	2	–	3	1	1	–	3	–
–	–	–	–	–	–	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	1	1	–	–	–	2	2
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	1	–	2	2	–	–	1	1	–	–	1	–	1	–	1	–	–	–	3	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	1	–	1	–	2	–
33	7	55	15	66	20	70	18	71	22	95	29	162	56	84	23	74	21	63	6	88	22	62	7	71	12
295		455		508		537		539		701		770		540		543		381		412		391		471	

continued on pages 174&175.

Appendix, No. 8—*continued.*

HOME CIRCUIT. - - - An Account of the Gross Number of Persons

Continued from the preceding pages.	24. 1808.		25. 1809.		26. 1810.		27. 1811.		28. 1812.		29. 1813.		30. 1814.		TOTAL Number of Con-victions.	TOTAL Number of Exe-cutions.
OFFENCES.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.	Convictions.	Executions.		
ARSON	1	–	–	–	1	–	1	–	–	–	3	–	–	–	14	5
BLEACHING Ground, Larceny from	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	1
BUGGERY	1	1	1	1	1	1	–	–	–	–	1	1	2	2	11	9
BURGLARY	8	3	18	8	13	1	7	1	21	1	24	6	21	1	454	132
CATTLE STEALING	–	–	1	–	4	1	1	–	–	–	1	–	1	–	29	7
COINING	–	–	–	–	–	–	–	–	–	–	2	1	–	–	14	10
FORGERY	2	2	1	–	2	2	–	–	9	7	1	–	–	–	28	18
HIGHWAY ROBBERY	11	4	5	–	4	–	8	1	9	2	5	–	6	2	420	166
HORSE STEALING	11	1	8	–	11	3	11	2	7	–	23	2	7	–	328	51
HOUSEBREAKING	7	–	4	–	10	1	10	–	11	1	7	3	11	–	185	28
LARCENY in Dwelling-house	6	–	17	1	9	1	10	–	12	–	13	–	4	–	190	14
LARCENY from Person	–	–	–	–	–	–	–	–	–	–	–	–	–	–	6	–
MURDER	1	1	4	4	7	3	–	–	1	1	5	5	1	1	54	44
NAVIGABLE River or Wharf, Larceny on	–	–	1	–	1	–	–	–	4	–	3	–	1	–	38	6
NAVAL Stores, Embezzling, &c.	–	–	1	–	4	–	–	–	–	–	–	–	–	–	16	5
PERSONATING Seamen, to receive Prize Money, &c.	–	–	–	–	–	–	–	–	2	1	4	–	2	–	13	5
PETIT TREASON	–	–	–	–	–	–	–	–	–	–	1	1	–	–	2	2
POST Office, Mail Robbery, or Stealing or Secreting Letters, &c.	–	–	–	–	–	–	1	–	1	–	1	–	–	–	9	2
RAPE	–	–	6	2	–	–	3	3	1	1	–	–	–	–	25	18
RIOT and Demolishing Houses	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	1
ROBBERY	2	–	–	–	–	–	–	–	–	–	–	–	–	–	22	15
SACRILEGE	–	–	–	–	–	–	–	–	1	1	–	–	–	–	5	3
SHEEP STEALING	9	–	12	–	10	1	11	2	6	1	17	1	7	2	261	29
SHOOTING maliciously	–	–	1	1	–	–	–	–	2	–	–	–	1	–	14	8
SHOPS, Warehouses, &c. privately Stealing in	–	–	4	–	4	–	1	–	–	–	1	–	8	–	47	2
SMUGGLERS, Armed, and assisting in Running unaccustomed Goods	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–
STABBING and Cutting maliciously	–	–	2	1	–	–	2	1	1	–	4	2	2	–	17	7
THREATENING or Incendiary Letters, Sending	–	–	–	–	–	–	–	–	–	–	1	–	–	–	1	–
TRANSPORTATION, Returning from	3	–	–	–	3	–	1	–	5	–	4	–	2	–	32	4
TREES, maliciously Destroying, &c.	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1
UTTERING Counterfeit Money, 3d offence	–	–	–	–	–	–	–	–	–	–	–	–	–	–	5	–
	62	12	86	18	84	14	67	10	93	16	121	22	77	9	2,248	593
TOTAL Number of Prisoners Committed in each Year	404		457		567		508		593		663		412			

Appendix, No. 8—*continued.*

Committed, Capital Convictions, and Executions, &c.—*continued.*

THE Average Number of Prisoners CONVICTED for 10 Years, from 1784 to 1794, is - - - - 66

The Average Number EXECUTED - - - - - - - - - - - - - 23

The Average of the Gross Number of Prisoners COMMITTED for 10 Years, from 1784 to 1794, is - 548

AVERAGE Number of CONVICTIONS from 1794 to 1804 - - - - - - - - 77

D° - - - EXECUTIONS - - - - - - - - - - - - 21

D° - - - COMMITMENTS - - - - - - - - - - - - 526

AVERAGE Number of CONVICTIONS from 1804 to 1814 - - - - - - - - 81

D° - - - EXECUTIONS - - - - - - - - - - - - 14

D° - - - COMMITMENTS - - - - - - - - - - - - 488

THE Average Number of CONVICTIONS for the above 30 Years, is - - - - 74 } Yearly.

- - - - - - - EXECUTIONS - - - - - - - - - }

- - - - - - - COMMITMENTS - - - - - - - - 521 }

Thos. Geo. Knapp,

Deputy Clerk of Assize on the Home Circuit.

Appendix, No. 9. - - - - - - - -

WESTERN CIRCUIT. - - - AN ACCOUNT of the Number of CONVICTIONS on the Western Circuit,

Also, an Account of the Numbers

[This Return must not be relied on as furnishing a correct Account of the Numbers actually Executed, inasmuch as Pardons are

YEAR	COUNTY.	ARSON.		Burglary.		Cattle Stealing.		Cattle, maliciously Killing and Maiming.		Dwelling-house, Stealing, 40s. Value in.		Forgery and Uttering.		Highway Robbery.		House-breaking.		Horse Stealing.	
		Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.
1770	Southampton	–	–	2	2	–	–	–	–	–	–	–	–	1	–	1	1	1	1
	Wilts	–	–	–	–	–	–	–	–	–	–	–	–	4	3	–	–	1	1
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	3	3	3
	Devon	–	–	3	3	–	–	–	–	–	–	–	–	5	5	1	1	1	1
	Cornwall	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Somerset	–	–	1	–	1	1	–	–	–	–	–	–	7	6	–	–	2	2
1771	Southampton	–	–	1	1	1	1	–	–	–	–	–	–	–	–	–	–	1	1
	Wilts	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Dorset	–	–	4	4	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Devon	1	1	2	2	1	1	–	–	–	–	–	–	–	–	–	–	4	4
	Cornwall	–	–	–	–	2	2	–	–	1	–	–	–	–	–	–	–	1	1
	Somerset	–	–	2	–	1	1	–	–	3	3	–	–	1	–	1	1	1	1
1772	Southampton	–	–	1	1	–	–	–	–	–	–	–	–	1	–	1	1	–	–
	Wilts	–	–	1	1	–	–	–	–	–	–	–	–	–	–	1	1	1	1
	Dorset	–	–	3	2	–	–	–	–	–	–	–	–	–	–	1	1	–	–
	Devon	–	–	1	–	1	1	–	–	–	–	–	–	–	–	3	3	3	3
	Cornwall	–	–	–	–	–	–	–	–	1	1	–	–	–	–	2	2	2	2
	Somerset	–	–	2	2	–	–	–	–	3	3	1	–	–	–	3	3	2	2
1773	Southampton	–	–	3	3	–	–	–	–	1	1	–	–	2	1	1	1	4	4
	Wilts	–	–	5	4	–	–	–	–	1	1	–	–	3	1	–	–	2	2
	Dorset	–	–	3	2	–	–	–	–	1	1	–	–	–	–	–	–	–	–
	Devon	–	–	5	5	1	1	–	–	–	–	–	–	1	1	1	1	1	–
	Cornwall	–	–	2	2	–	–	–	–	–	–	–	–	1	–	–	–	3	3
	Somerset	–	–	3	3	1	1	–	–	2	2	–	–	2	2	1	1	2	2
1774	Southampton	–	–	–	–	–	–	–	–	1	1	–	–	–	–	3	3	2	2
	Wilts	–	–	1	1	–	–	–	–	1	1	1	1	1	1	–	–	2	2
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	2	2
	Devon	–	–	3	1	2	2	–	–	1	1	–	–	2	–	2	2	3	3
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	1	1
	Somerset	–	–	–	–	1	1	–	–	–	–	–	–	1	1	1	1	3	3
1775	Southampton	–	–	3	1	–	–	–	–	1	1	–	–	1	1	2	2	3	3
	Wilts	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1
	Dorset	–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–	–	–
	Devon	–	–	2	2	1	1	–	–	2	2	1	1	–	–	1	1	–	–
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Somerset	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	3	3
1776	Southampton	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
	Wilts	–	–	3	3	–	–	–	–	4	4	4	4	–	–	–	–	1	1
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Devon	–	–	1	1	1	–	–	–	–	–	–	–	1	–	–	–	1	1
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Somerset	–	–	2	1	–	–	–	–	–	–	–	–	3	2	–	–	1	1
1777	Southampton	2	–	1	1	–	–	1	1	–	–	–	–	–	–	1	1	1	1
	Wilts	–	–	2	2	–	–	–	–	1	1	1	1	2	2	1	1	–	–
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Devon	–	–	3	3	–	–	–	–	–	–	–	–	10	7	1	1	1	1
	Cornwall	–	–	1	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–
	Somerset	–	–	3	3	–	–	–	–	–	–	–	–	1	1	1	1	1	1
1778	Southampton	–	–	3	3	–	–	–	–	1	1	–	–	6	4	1	1	1	1
	Wilts	–	–	–	–	–	–	–	–	2	2	–	–	1	1	–	–	–	–
	Dorset	–	–	2	1	–	–	–	–	–	–	–	–	1	1	–	–	1	1
	Devon	–	–	–	–	2	2	–	–	2	2	–	–	2	2	3	3	–	–
	Cornwall	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	3	3
	Somerset	–	–	3	2	1	1	–	–	2	2	–	–	3	2	1	1	4	4
1779	Southampton	–	–	8	8	–	–	–	–	–	–	–	–	1	1	1	1	1	1
	Wilts	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	1	1
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Devon	–	–	3	2	–	–	–	–	1	1	1	1	–	–	–	–	1	1
	Cornwall	–	–	1	1	–	–	–	–	1	1	–	–	1	1	–	–	1	1
	Somerset	–	–	–	–	–	–	–	–	–	–	–	–	2	2	1	1	–	–
1780	Southampton	–	–	5	1	–	–	–	–	–	–	–	–	9	9	–	–	–	–
	Wilts	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	1	1
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Devon	–	–	1	1	1	1	–	–	2	1	–	–	–	–	–	–	–	–
	Cornwall	–	–	1	1	–	–	–	–	1	1	–	–	–	–	–	–	–	–
	Somerset	–	–	–	–	–	–	–	–	–	–	–	–	2	2	1	1	1	1

Appendix, No. 9.

for each species of Capital Offence, for the several Years after-mentioned:

of those respectively Reprieved.

occasionally granted by the Crown, through the Secretary of State, without any communication with the Clerk of Assize.]

Murder.		Naval Stores above the Value of 20s. Stealing.		Persons, Stealing privately from.		Rape.		Rack and Tenter, Cutting and Stealing Cloth from.		Robbery in a Dwellinghouse, 3 & 4 W. & M. c. 9.		Sheep Stealing.		Shop-Lifting.		Shooting maliciously at.		Transportation, returning from, before Term expired.	
Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	3	–	1	1	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	3	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	1	1	–	–	–	–	5	5	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	4	4	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	1	1	–	–	–	–	–	–	8	7	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
3	–	–	–	–	–	–	–	1	1	–	–	4	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	1	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
2	–	–	–	1	1	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	1	1	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	1	1	–	–	–	–	–	–	2	2	–	–	–	–	1	1
1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	1	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	2	2	–	–	1	1	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	6	6	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
1	1	–	–	–	–	–	–	–	–	–	–	–	–	2	2	1	–	–	–
1	1	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	1	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–

Appendix, No. 9—*continued.* - - - -

WESTERN CIRCUIT. - - - An Account of the Number of CONVICTIONS, on the Western Circuit,

YEAR	COUNTY.	ARSON.		Burglary.		Cattle Stealing.		Cattle, maliciously Killing and Maiming.		Dwelling-house, Stealing 40 *s.* Value in.		Forgery and Uttering.		Highway Robbery.		House-Breaking.		Horse Stealing.	
		Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.
1781	Southampton	–	–	4	4	–	–	–	–	2	2	–	–	5	4	1	1	1	1
	Wilts	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	1	1
	Dorset	–	–	1	1	–	–	–	–	1	1	–	–	–	–	–	–	1	–
	Devon	–	–	–	–	1	–	–	–	3	3	–	–	1	1	–	–	1	1
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
	Somerset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1782	Southampton	–	–	3	3	–	–	–	–	–	–	–	–	5	5	–	–	2	2
	Wilts	–	–	1	1	–	–	–	–	1	1	–	–	–	–	–	–	–	–
	Dorset	–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–	–	–
	Devon	–	–	6	6	–	–	–	–	1	1	–	–	2	2	–	–	1	1
	Cornwall	–	–	1	1	–	–	–	–	–	–	–	–	2	2	–	–	–	–
	Somerset	–	–	–	–	1	1	–	–	–	–	–	–	2	2	1	1	–	–
1783	Southampton	–	–	4	3	–	–	–	–	1	1	1	1	26	21	–	–	4	3
	Wilts	–	–	5	5	–	–	–	–	–	–	–	–	8	5	1	1	4	4
	Dorset	–	–	1	1	–	–	–	–	–	–	–	–	–	–	1	1	–	–
	Devon	–	–	2	2	–	–	–	–	–	–	–	–	19	14	1	1	1	1
	Cornwall	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Somerset	–	–	7	5	–	–	–	–	–	–	–	–	4	4	3	1	2	2
1784	Southampton	–	–	5	5	1	1	–	–	3	3	3	3	9	9	–	–	2	2
	Wilts	–	–	1	–	–	–	–	–	–	–	–	–	7	7	–	–	3	3
	Dorset	–	–	2	2	–	–	–	–	–	–	–	–	–	–	1	1	1	1
	Devon	–	–	–	–	–	–	–	–	–	–	–	–	8	4	–	–	2	2
	Cornwall	–	–	1	–	–	–	–	–	2	2	2	2	2	2	–	–	1	1
	Somerset	–	–	3	1	–	–	–	–	–	–	–	–	4	1	–	–	3	2
1785	Southampton	–	–	5	1	–	–	–	–	–	–	1	–	11	6	–	–	1	1
	Wilts	–	–	5	5	–	–	–	–	1	1	–	–	4	4	4	4	1	1
	Dorset	–	–	3	2	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Devon	–	–	5	1	–	–	–	–	4	3	–	–	9	8	4	4	1	–
	Cornwall	–	–	1	1	–	–	–	–	–	–	–	–	1	–	1	1	1	1
	Somerset	–	–	4	4	–	–	–	–	–	–	–	–	4	–	–	–	4	3
1786	Southampton	–	–	2	2	1	1	–	–	1	1	–	–	3	1	–	–	1	1
	Wilts	1	1	3	1	–	–	–	–	1	1	–	–	2	1	2	1	1	1
	Dorset	–	–	1	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–
	Devon	–	–	3	3	2	1	–	–	1	1	–	–	4	4	–	–	3	1
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	3	3
	Somerset	–	–	7	4	1	1	–	–	–	–	–	–	5	–	5	4	2	1
1787	Southampton	–	–	3	3	–	–	–	–	1	1	1	1	2	2	2	2	2	2
	Wilts	–	–	3	2	1	1	–	–	–	–	–	–	2	2	2	–	2	1
	Dorset	–	–	–	–	–	–	–	–	1	1	–	–	–	–	3	3	–	–
	Devon	–	–	4	1	–	–	–	–	1	1	–	–	1	1	–	–	2	2
	Cornwall	–	–	4	2	1	1	–	–	1	1	–	–	1	–	–	–	1	1
	Somerset	–	–	6	2	2	1	1	–	2	2	–	–	3	1	–	–	2	2
1788	Southampton	–	–	1	–	–	–	–	–	–	–	–	–	–	–	1	1	2	1
	Wilts	–	–	3	3	–	–	–	–	–	–	–	–	1	1	2	1	3	2
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Devon	–	–	4	3	2	1	–	–	1	1	–	–	2	2	2	2	–	–
	Cornwall	–	–	–	–	1	1	–	–	1	1	–	–	–	–	1	–	–	–
	Somerset	–	–	4	2	1	1	–	–	1	1	–	–	3	2	2	2	5	3
1789	Southampton	2	2	4	3	–	–	1	–	–	–	–	–	3	3	–	–	1	1
	Wilts	–	–	4	3	–	–	–	–	2	2	–	–	1	–	2	1	3	–
	Dorset	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Devon	–	–	–	–	1	1	–	–	2	1	–	–	5	3	5	3	2	2
	Cornwall	–	–	1	1	–	–	–	–	–	–	–	–	–	–	1	1	–	–
	Somerset	–	–	1	–	1	1	–	–	1	1	–	–	–	–	–	–	7	1
1790	Southampton	–	–	–	–	–	–	–	–	–	–	–	–	2	2	1	1	3	1
	Wilts	–	–	2	2	–	–	–	–	1	1	–	–	5	2	–	–	–	–
	Dorset	–	–	2	2	–	–	–	–	1	1	–	–	1	1	–	–	1	1
	Devon	–	–	1	1	1	–	–	–	–	–	–	–	2	1	–	–	1	1
	Cornwall	–	–	2	2	–	–	–	–	1	1	–	–	–	–	2	2	–	–
	Somerset	1	–	6	3	–	–	–	–	2	2	1	1	4	4	1	1	1	1
1791	Southampton	–	–	2	2	–	–	1	1	1	–	1	–	4	4	–	–	–	–
	Wilts	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Dorset	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Devon	1	–	2	2	–	–	–	–	1	–	–	–	–	–	–	–	–	–
	Cornwall	–	–	1	–	1	–	1	–	–	–	–	–	–	–	–	–	1	–
	Somerset	–	–	1	–	–	–	–	–	2	2	–	–	–	–	–	–	5	2
1792	Southampton	–	–	2	2	–	–	–	–	1	1	1	–	5	5	1	1	2	2
	Wilts	–	–	2	–	–	–	–	–	–	–	–	–	2	1	1	1	1	1
	Dorset	–	–	4	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–
	Devon	–	–	2	2	–	–	–	–	2	2	–	–	3	1	3	2	–	–
	Cornwall	–	–	1	1	–	–	–	–	1	1	–	–	2	2	1	1	–	–
	Somerset	–	–	4	3	–	–	–	–	–	–	–	–	–	–	–	–	1	1

Appendix, No. 9—*continued.*

for each species of Capital Offence, for the several Years after-mentioned—*continued.*

Murder.		Naval Stores above the Value of 20s. Stealing.		Persons, Stealing privately from.		Rape.		Rack and Tenter, Cutting and Stealing Cloth from.		Robbery in a Dwellinghouse, 3 & 4 W. & M. c. 9.		Sheep Stealing.		Shop-Lifting.		Shooting maliciously at.		Transportation, returning from, before Term expired.	
Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.
1	–	–	–	–	–	1	1	–	–	–	–	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	1	–	–	–
–	–	–	–	–	–	1	1	–	–	–	–	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
5	4	–	–	–	–	–	–	–	–	–	–	4	4	–	–	–	–	–	–
1	–	–	–	–	–	–	–	1	1	–	–	1	1	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	10	8	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	8	8	1	1	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	3	2	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	8	8	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	2	2	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	2	2	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	3	3	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	1	–
1	–	–	–	–	–	–	–	2	2	–	–	5	5	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	7	5	–	–	–	–	1	1
–	–	–	–	–	–	–	–	–	–	–	–	6	5	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–
–	–	–	–	1	1	–	–	–	–	–	–	2	2	–	–	1	1	–	–
–	–	–	–	–	–	–	–	1	1	–	–	3	2	–	–	–	–	1	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
–	–	–	–	–	–	–	–	–	–	–	–	3	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–
–	–	–	–	–	–	–	–	1	1	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
6	1	–	–	–	–	–	–	–	–	–	–	4	4	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	1	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	4	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	4	4	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	1	1
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	5	5	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	1	1	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	2	2	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	1	2	2	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	4	4	–	–	–	–	–	–	–	–	5	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2

Appendix, No. 9—*continued.* - - - -

WESTERN CIRCUIT. - - - An Account of the Number of CONVICTIONS, on the Western Circuit,

YEAR	COUNTY.	ARSON.		Burglary.		Cattle Stealing.		Cattle, maliciously Killing and Maiming.		Dwelling-house, Stealing 40 s. Value in.		Forgery, and Uttering.		Highway Robbery.		House-Breaking.		Horse Stealing.	
		Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.
1793	Southampton	–	–	1	1	–	–	–	–	2	2	–	–	3	3	–	–	1	1
	Wilts	–	–	3	3	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Dorset	–	–	–	–	–	–	–	–	2	2	–	–	–	–	1	1	1	1
	Devon	–	–	3	3	–	–	–	–	1	1	–	–	–	–	1	1	–	–
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	3	3
	Somerset	–	–	2	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–
1794	Southampton	–	–	4	1	–	–	–	–	1	1	–	–	1	–	2	2	1	1
	Wilts	–	–	3	–	–	–	–	–	–	–	–	–	3	2	–	–	1	–
	Dorset	–	–	1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–
	Devon	1	–	4	4	–	–	–	–	1	1	–	–	2	2	1	1	1	1
	Cornwall	–	–	–	–	–	–	–	–	1	1	–	–	–	–	1	1	1	1
	Somerset	–	–	–	–	–	–	–	–	1	1	1	1	2	2	–	–	2	1
1795	Southampton	–	–	2	2	–	–	1	1	–	–	–	–	1	1	–	–	–	–
	Wilts	–	–	3	3	–	–	–	–	1	1	–	–	3	3	–	–	–	–
	Dorset	–	–	4	3	–	–	–	–	–	–	–	–	3	3	–	–	–	–
	Devon	–	–	2	2	1	–	–	–	1	1	–	–	4	2	–	–	–	–
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	1	–	1	1	–	–
	Somerset	–	–	1	1	–	–	–	–	–	–	–	–	3	3	–	–	3	3
1796	Southampton	–	–	5	5	1	1	–	–	2	2	–	–	3	1	4	4	–	–
	Wilts	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Dorset	–	–	2	2	–	–	–	–	–	–	–	–	–	–	1	1	1	1
	Devon	–	–	1	1	–	–	–	–	1	1	1	1	–	–	3	2	–	–
	Cornwall	–	–	1	1	–	–	–	–	3	2	–	–	–	–	–	–	–	–
	Somerset	1	–	1	1	1	1	–	–	–	–	–	–	1	1	–	–	–	–
1797	Southampton	–	–	8	6	–	–	–	–	–	–	1	1	10	7	1	1	1	–
	Wilts	–	–	–	–	–	–	–	–	2	2	–	–	2	2	–	–	2	2
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Devon	–	–	2	2	–	–	–	–	–	–	–	–	4	2	2	2	1	1
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	2	2	1	1	–	–
	Somerset	–	–	–	–	–	–	–	–	3	3	–	–	1	–	2	2	–	–
1798	Southampton	–	–	4	3	–	–	–	–	–	–	–	–	3	3	1	–	–	–
	Wilts	–	–	2	–	–	–	–	–	–	–	–	–	1	1	–	–	1	1
	Dorset	–	–	1	1	–	–	–	–	2	2	–	–	–	–	–	–	–	–
	Devon	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	1	1
	Cornwall	–	–	1	1	–	–	–	–	1	–	–	–	–	–	–	–	–	–
	Somerset	–	–	2	2	–	–	–	–	1	1	–	–	–	–	2	2	6	5
1799	Southampton	–	–	–	–	1	1	–	–	1	1	1	–	2	2	–	–	–	–
	Wilts	–	–	1	1	–	–	–	–	3	1	–	–	–	–	1	1	1	1
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Devon	1	–	1	1	–	–	–	–	–	–	–	–	6	6	–	–	–	–
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	–	–	–
	Somerset	–	–	6	2	1	1	–	–	1	1	–	–	1	1	–	–	–	–
1800	Southampton	–	–	1	1	–	–	–	–	3	3	–	–	2	2	3	3	2	2
	Wilts	–	–	2	2	–	–	–	–	2	2	–	–	–	–	–	–	2	2
	Dorset	–	–	–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–
	Devon	–	–	2	2	1	1	–	–	–	–	–	–	3	1	–	–	1	–
	Cornwall	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–
	Somerset	–	–	10	8	1	1	–	–	2	2	–	–	1	–	3	3	1	1
1801	Southampton	–	–	2	–	2	1	–	–	–	–	1	1	6	3	1	1	4	3
	Wilts	–	–	3	3	2	1	–	–	2	2	–	–	3	2	–	–	2	–
	Dorset	–	–	2	1	–	–	–	–	3	3	–	–	3	–	1	1	–	–
	Devon	–	–	6	6	4	3	–	–	1	1	–	–	3	2	1	1	–	–
	Cornwall	–	–	1	–	–	–	–	–	3	3	1	–	–	–	–	–	1	1
	Somerset	–	–	9	5	3	2	–	–	3	3	–	–	–	–	5	5	2	1
1802	Southampton	–	–	7	4	3	2	–	–	2	1	1	–	–	–	–	–	2	2
	Wilts	–	–	1	1	1	1	–	–	–	–	1	1	–	–	–	–	1	1
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–
	Devon	–	–	7	3	3	3	–	–	3	3	5	–	1	1	1	1	1	1
	Cornwall	–	–	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Somerset	–	–	2	1	–	–	–	–	1	1	2	–	3	2	3	2	–	–
1803	Southampton	–	–	4	4	–	–	–	–	2	2	3	3	2	2	–	–	3	3
	Wilts	1	–	1	1	–	–	–	–	1	1	–	–	1	1	1	1	5	4
	Dorset	–	–	1	1	1	1	–	–	1	1	–	–	1	1	–	–	1	1
	Devon	–	–	2	2	1	1	–	–	1	1	1	1	–	–	4	4	1	1
	Cornwall	–	–	1	1	–	–	1	1	–	–	–	–	–	–	1	1	1	1
	Somerset	–	–	4	3	–	–	–	–	–	–	–	–	–	–	3	3	3	2
1804	Southampton	–	–	3	3	–	–	–	–	3	3	–	–	–	–	1	1	2	–
	Wilts	–	–	–	–	2	–	–	–	–	–	–	–	–	–	–	–	1	1
	Dorset	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	1	–
	Devon	–	–	1	1	–	–	–	–	3	3	–	–	1	1	–	–	1	–
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Somerset	–	–	4	2	–	–	–	–	–	–	–	–	2	–	–	–	2	–
1805	Southampton	–	–	2	2	–	–	–	–	1	1	1	–	2	2	1	1	–	–
	Wilts	–	–	–	–	–	–	–	–	–	–	2	1	–	–	1	1	–	–
	Dorset	–	–	1	1	–	–	–	–	1	1	–	–	–	–	–	–	–	–
	Devon	–	–	–	–	1	1	–	–	2	2	1	–	1	1	–	–	1	1
	Cornwall	–	–	2	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
	Somerset	–	–	1	–	–	–	–	–	–	–	2	–	1	–	3	3	2	1

Appendix, No. 9—*continued.*

for each species of Capital Offence, for the several Years after-mentioned—*continued.*

Murder.		Naval Stores above the Value of 20s. Stealing.		Persons, Stealing privately from.		Rape.		Rack and Tenter, Cutting and Stealing Cloth from.		Robbery in a Dwellinghouse, 3 & 4 W. & M. c. 9.		Sheep Stealing.		Shop-Lifting.		Shooting maliciously at.		Transportation, returning from, before Term expired.	
Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	2	2	–	–	4	4	–	–	–	–	–	–
4	–	–	–	–	–	–	–	–	–	–	–	3	3	1	1	–	–	–	–
–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
6	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	3	3
–	–	–	–	–	–	–	–	–	–	1	1	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	1	–	–	–	–	–	–
–	–	1	1	–	–	2	–	–	–	1	1	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
1	–	–	–	1	1	–	–	–	–	–	–	3	3	2	2	–	–	1	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	1	1	2	2	–	–	–	–	4	2
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	2	1	–	–	–	–	–	–
–	–	1	1	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
3	1	5	5	–	–	–	–	–	–	–	–	–	–	1	1	–	–	1	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	4	4	–	–	1	–	3	2
2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	5	5	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	1	–	5	5	–	–	–	–	–	–
–	–	–	–	–	–	1	–	–	–	–	–	2	1	1	1	1	1	1	1
1	–	–	–	–	–	–	–	–	–	–	–	13	6	–	–	–	–	–	–
–	–	–	–	–	–	–	–	1	1	–	–	5	4	–	–	–	–	–	–
–	–	1	–	–	–	–	–	–	–	–	–	16	12	–	–	–	–	1	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	4	1	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	2	–	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	4	4	1	1	–	–	–	–
–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	1	1	–	–	–	–	3	3	1	1	–	–	1	1
–	–	3	3	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	3	3	–	–	–	–	–	–	1	1	1	1	–	–	–	–	–	–
–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–
3	–	–	–	1	1	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	1	1	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	3	3	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	1	1	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–

Appendix, No. 9—*continued.*

WESTERN CIRCUIT. - - - An Account of the Number of CONVICTIONS, on the Western

YEAR	COUNTY.	ARSON.		Burglary.		Cattle Stealing.		Cattle, maliciously Killing and Maiming.		Dwelling-house, Stealing 40 s. Value in.		Forgery and Uttering.		Highway Robbery.		House-Breaking.		Horse Stealing.	
		Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.
1806	Southampton	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	2
	Wilts	–	–	1	1	–	–	–	–	–	–	–	–	1	–	–	–	–	–
	Dorset	–	–	2	2	–	–	–	–	1	1	–	–	–	–	–	–	–	–
	Devon	–	–	1	1	–	–	–	–	2	2	1	–	3	3	–	–	–	–
	Cornwall	–	–	2	2	–	–	–	–	1	1	–	–	–	–	–	–	–	–
	Somerset	–	–	3	3	1	1	–	–	1	1	1	–	1	1	–	–	3	3
1807	Southampton	–	–	3	3	–	–	–	–	1	1	1	1	–	–	–	–	1	1
	Wilts	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	1	–
	Dorset	–	–	5	2	–	–	–	–	2	2	4	2	–	–	1	1	–	–
	Devon	–	–	2	2	–	–	–	–	2	2	–	–	2	2	1	1	1	1
	Cornwall	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	1	1
	Somerset	–	–	3	2	–	–	–	–	5	5	2	–	2	2	1	1	2	2
1808	Southampton	–	–	5	5	–	–	–	–	–	–	1	1	2	1	–	–	1	1
	Wilts	–	–	1	1	–	–	–	–	–	–	–	–	–	–	3	3	2	2
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Devon	–	–	1	1	1	1	–	–	1	1	1	–	–	–	1	1	1	1
	Cornwall	–	–	–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–
	Somerset	–	–	1	1	–	–	–	–	2	2	1	–	–	–	–	–	3	3
1809	Southampton	–	–	3	3	–	–	–	–	2	2	2	1	–	–	2	2	4	3
	Wilts	–	–	1	1	–	–	–	–	–	–	–	–	–	–	3	3	2	2
	Dorset	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–
	Devon	–	–	3	3	–	–	–	–	2	2	1	1	–	–	–	–	1	1
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Somerset	–	–	2	2	–	–	–	–	3	3	–	–	3	3	2	2	–	–
1810	Southampton	–	–	8	7	–	–	–	–	1	1	3	–	3	2	2	2	–	–
	Wilts	–	–	5	1	–	–	–	–	–	–	–	–	–	–	1	1	–	–
	Dorset	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	1	1
	Devon	–	–	5	5	–	–	–	–	3	3	–	–	–	–	–	1	–	–
	Cornwall	–	–	2	2	–	–	–	–	1	1	–	–	–	–	–	1	1	1
	Somerset	–	–	2	2	–	–	–	–	5	5	–	–	1	–	–	3	2	2
1811	Southampton	–	–	1	1	–	–	–	–	1	1	2	2	2	2	–	–	3	3
	Wilts	–	–	2	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Dorset	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
	Devon	–	–	2	2	–	–	–	–	6	6	–	–	1	1	–	–	–	–
	Cornwall	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2	1	1
	Somerset	–	–	–	–	–	–	–	–	3	3	–	–	–	–	2	2	3	3
1812	Southampton	–	–	9	9	1	1	–	–	1	1	2	–	4	4	–	–	2	2
	Wilts	–	–	2	2	–	–	–	–	–	–	–	–	–	–	3	3	–	–
	Dorset	–	–	2	2	–	–	–	–	–	–	–	–	–	–	2	2	1	1
	Devon	–	–	2	2	1	1	–	–	1	1	2	1	2	1	3	3	–	–
	Cornwall	–	–	1	1	1	1	–	–	–	–	1	–	–	–	–	–	–	–
	Somerset	–	–	4	4	–	–	–	–	5	5	–	–	1	1	1	1	1	1
1813	Southampton	–	–	2	2	–	–	–	–	2	2	1	1	–	–	1	1	3	3
	Wilts	–	–	5	5	3	3	–	–	1	1	–	–	–	–	4	4	1	1
	Dorset	–	–	1	1	1	1	–	–	2	2	–	–	–	–	4	4	–	–
	Devon	–	–	4	4	–	–	–	–	5	5	–	–	1	1	3	3	1	1
	Cornwall	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–
	Somerset	1	–	4	4	1	1	–	–	1	1	–	–	2	2	3	3	5	5
1814	Southampton	–	–	2	1	–	–	–	–	2	2	2	1	2	1	3	3	–	–
	Wilts	1	–	3	3	–	–	–	–	–	–	–	–	–	–	3	3	–	–
	Dorset	–	–	1	1	–	–	–	–	1	1	–	–	–	–	–	–	2	2
	Devon	1	1	3	3	–	–	–	–	6	6	–	–	1	1	–	–	2	2
	Cornwall	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–	–	–
	Somerset	–	–	–	–	–	–	–	–	3	1	–	–	–	–	2	2	1	1
1815	Southampton	–	–	3	3	1	1	–	–	–	–	–	–	3	3	1	1	2	2
	Wilts	1	–	2	2	–	–	–	–	2	2	–	–	2	2	1	1	1	1
	Dorset	–	–	3	3	–	–	–	–	1	1	–	–	–	–	3	3	1	1
	Devon	1	1	3	3	–	–	–	–	9	9	2	1	2	2	2	2	1	1
	Cornwall	–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–	–	–
	Somerset	–	–	5	5	2	2	–	–	4	4	–	–	–	–	1	1	3	3
1816	Southampton	–	–	4	4	1	1	–	–	2	2	2	2	2	2	5	5	–	–
	Wilts	–	–	7	7	–	–	–	–	3	3	1	–	5	4	–	–	1	1
	Dorset	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	2
	Devon	–	–	2	2	–	–	–	–	2	2	1	1	4	4	2	2	–	–
	Cornwall	–	–	4	4	–	–	–	–	1	1	–	–	–	–	1	1	–	–
	Somerset	–	–	8	7	1	1	–	–	5	5	1	1	3	3	4	4	5	5
1817	Southampton	–	–	19	19	–	–	–	–	1	1	5	5	6	5	3	3	6	6
	Wilts	–	–	10	10	–	–	–	–	–	–	–	–	5	3	6	6	2	2
	Dorset	–	–	4	4	–	–	–	–	2	2	–	–	–	–	1	1	–	–
	Devon	–	–	16	16	–	–	–	–	4	4	2	2	3	3	4	4	2	2
	Cornwall	–	–	2	2	1	1	–	–	1	1	–	–	–	–	3	3	–	–
	Somerset	–	–	21	18	–	–	–	–	7	7	2	2	3	3	8	8	5	5
1818	Southampton	–	–	20	19	5	5	–	–	2	2	3	2	10	9	10	9	2	2
	Wilts	–	–	11	10	–	–	–	–	–	–	–	–	1	1	6	6	6	6
	Dorset	–	–	4	4	–	–	–	–	2	2	–	–	3	3	2	2	–	–
	Devon	–	–	9	9	1	1	–	–	–	–	1	1	1	1	4	4	–	–
	Cornwall	1	1	–	–	–	–	–	–	2	2	–	–	–	–	–	–	–	–
	Somerset	–	–	12	12	3	3	–	–	4	3	2	–	2	1	6	6	7	7

Appendix, No. 9—*continued.*

Circuit, for each Species of Capital Offence, for the several Years after-mentioned—*continued.*

Murder.		Naval Stores above the Value of 20s. Stealing.		Person, Stealing privately from.		Rape.		Rack and Tenter, Cutting and Stealing Cloth from.		Robbery in a Dwellinghouse, 3 & 4 W. & M. c. 9.		Sheep Stealing.		Shop-Lifting.		Shooting maliciously at: 48 Geo. 3, c. 38.		Transportation, returning from, before Term expired.	
Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted.	Reprieved.	Convicted	Reprieved.	Convicted.	Reprieved.	Convicted	Reprieved.
–	–	–	–	–	–	–	–	–	–	–	–	1	1	2	2	2	2	–	–
–	–	–	–	–	–	–	–	–	–	–	–	4	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	3	3	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
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1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
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1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
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–	–	–	–	48 G.3, c.129		–	–	–	–	–	–	1	–	–	–	–	–	–	–
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–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	3	3	–	–	1	1	–	–
1	1	–	–	–	–	1	–	–	–	–	–	3	3	1	1	1	1	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	1	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	3	3	1	1	–	–	–	–
–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
1	–	–	–	–	–	–	–	1	1	–	–	4	4	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	1	1	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	2	2	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	3	3	3	3	–	–	1	1
–	–	–	–	–	–	1	–	–	–	–	–	2	2	–	–	–	–	–	–
5	4	1	1	–	–	–	–	–	–	–	–	5	5	–	–	–	–	–	–
2	–	–	–	–	–	1	–	–	–	–	–	1	1	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	4	4	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	4	3	–	–	1	1	–	–
4	1	1	1	–	–	–	–	–	–	–	–	3	2	–	–	–	–	–	–
–	–	–	–	–	–	1	–	–	–	–	–	1	1	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
1	–	2	2	–	–	–	–	–	–	–	–	1	1	–	–	–	–	1	1
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	1	–	–	–	–	–	–	–	–	–	–	2	2	–	–	–	–	1	1
–	–	–	–	–	–	3	–	–	–	–	–	1	1	–	–	1	1	–	–
–	–	–	–	–	–	–	–	–	–	–	–	4	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–	1	1	–	–
1	–	–	–	–	–	1	1	–	–	–	–	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	3	3	–	–	1	1	–	–
3	–	4	4	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	3	3	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	1	1	–	–	–	–	–	–	–	–	1	1	–	–	1	1	1	1
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	2	2	–	–	1	1	–	–
–	–	2	2	–	–	–	–	–	–	–	–	1	1	2	2	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	5	5	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	3	3	–	–	1	1	–	–
–	–	–	–	–	–	–	–	1	1	–	–	5	5	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	6	5	2	2	1	1	–	–
1	–	1	1	–	–	–	–	–	–	1	1	8	6	–	–	1	1	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	1	–	1	1	–	–	–	–
1	–	3	3	–	–	–	–	–	–	–	–	7	7	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	6	5	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	7	7	–	–	–	–	–	–

Appendix, No. 9—*continued.*

WESTERN CIRCUIT. - - - THE following are the only CONVICTIONS

COUNTY.	Bleaching Croft, Stealing Linen from.		COUNTY.	Booth, Robbery in.		COUNTY.	Hop Binds growing on Poles in a Plantation, feloniously Cutting.		COUNTY.	House-breaking, a Person being therein, and put in fear; 1 Ed. 6, c. 12, s. 10.	
	Convicted.	Reprieved.		Convicted.	Reprieved.		Convicted.	Reprieved.		Convicted.	Reprieved.
1783. Somerset -	2	1	1816. Southampton	2	2	1801. Southampton	1	1	1801. Somerset -	2	–
1785. Somerset -	1	–	1817. Southampton	1	1				1802. Southampton	1	–
									1806. Devon - -	1	1

COUNTY.	Infant under 10 Years of Age, carnally knowing and abusing.		COUNTY.	Loom, maliciously Cutting Serges in, 22 Geo. 3, c. 40.		COUNTY.	Mail Robbery.		COUNTY.	Post-Office, Stealing and Secreting Letters from.	
	Convicted.	Reprieved.		Convicted.	Reprieved.		Convicted.	Reprieved.		Convicted	Reprieved.
1799. Southampton	1	1	1794. Southampton	1	1	1793. Devon - -	1	–	1811. Somerset -	1	–
1809. Devon - -	1	–							1812. Southampton	1	1
1816. Southampton	1	–							1817. Dorset - -	1	1
—— Somerset -	1	–									

Appendix, No. 9.—*continued.*

for the CRIMES after mentioned, between the Years 1770 and 1818.

COUNTY.	Riot, and beginning to Pull down Houses.		COUNTY.	SODOMY.		COUNTY.	Seamen, feloniously Personating to receive Wages, &c.		COUNTY.	SACRILEGE.	
	Convicted.	Reprieved.		Convicted.	Reprieved.		Convicted.	Reprieved.		Convicted.	Reprieved.
1780. Somerset -	1	–	1771. Cornwall -	1	–	1784. Southampton	3	3	1809. Somerset -	1	1
1795. Southampton	3	2	1776. Southampton	1	–	1785. - D° - -	2	2	1810. Devon - -	1	1
			1787. Devon - -	2	1	1802. Devon - -	1	–	1812. Southampton	2	2
			1807. Cornwall -	2	2	1813. D° - - -	1	1	1818. Wilts - -	2	2
			1818. Devon - -	1	–	1815. Southampton	1	–			
						—— Devon - -	1	1			
						1817. Southampton	1	1			
						—— Devon - -	1	1			

COUNTY.	Sailor, feloniously endeavouring to Seduce from his Allegiance: 37 Geo. 3, c. 70.		COUNTY.	Ship, Stealing to the Value of 40 s. from, in a Port of Entrance.: 24 Geo. 3, c. 45.		COUNTY.	Treason, High.		COUNTY.	Treason, Petit.	
	Convicted.	Reprieved.		Convicted.	Reprieved.		Convicted.	Reprieved.		Convicted.	Reprieved.
1804. Devon - -	1	–	1799. Southampton	1	1	1785. Somerset -	1	–	1782. Devon - -	1	–
			1801. - D° - -	1		1796. Devon - -	1	–	1784. Southampton	1	–
			1809. Devon - -	1	1	1810. Wilts - -	1	1	1810. Somerset -	1	–
			1810. Devon - -		2	1816. Southampton	1	1	1815. Devon - -	1	–
			1811. Devon - -	2	2	1817. Somerset -	1	1			

Thos. Chambré,
Clerk of the Assizes for the Western Circuit.

Appendix, No. 10.

WESTERN CIRCUIT.—AN ACCOUNT of the Number of CONVICTIONS on the WESTERN CIRCUIT, for each species of CAPITAL OFFENCE, for the Periods after mentioned, with the Number of those respectively Reprieved, and of those supposed to have been Executed, 1770 to 1818.

	Convicted.	Reprieved.
ARSON:		
1770 - to - 1779	3	1
1780 - — - 1789	3	3
1790 - — - 1799	5	—
1800 - — - 1809	1	—
1810 - — - 1818	7	3
	19	7
	7	
Executed - -	12	
Burglary:		
1770 - to - 1779	92	76
1780 - — - 1789	138	96
1790 - — - 1799	108	77
1800 - — - 1809	124	94
1810 - — - 1818	243	231
	705	574
	574	
Executed - -	131	
Bleaching Croft, Stealing Linen from:		
1770 - to - 1782	—	—
1782 - — - 1818	3	1
Booth, Robbery in:		
1770 - to - 1815	—	—
1816 - — - 1818	3	3
Cattle Stealing:		
1770 - to - 1779	17	16
1780 - — - 1789	19	15
1790 - — - 1799	9	6
1800 - — - 1809	30	23
1810 - — - 1818	23	23
	98	83
	83	
Executed - -	15	
Cattle, maliciously Killing and Maiming:		
1770 - to - 1779	1	1
1780 - — - 1789	2	—
1790 - — - 1799	3	2
1800 - — - 1809	1	1
1810 - — - 1818	—	—
	7	4
	4	
Executed - -	3	
Dwelling-house, Stealing 40*s.* value in:		
1770 - to - 1779	33	32
1780 - — - 1789	40	37
1790 - — - 1799	44	38
1800 - — - 1809	68	67
1810 - — - 1818	106	103
	291	277
	277	
Executed - -	14	
Forgery and Uttering:		
1770 - to - 1779	10	9
1780 - — - 1789	8	7
1790 - — - 1799	8	4
1800 - — - 1809	36	13
1810 - — - 1818	36	23
	98	56
	56	
Executed - -	42	

	Convicted.	Reprieved.
Highway Robbery:		
1770 - to - 1779	73	54
1780 - — - 1789	188	141
1790 - — - 1799	94	74
1800 - — - 1809	51	34
1810 - — - 1818	76	66
	482	369
	369	
Executed - -	113	
Housebreaking:		
1770 - to - 1779	43	43
1780 - — - 1789	49	38
1790 - — - 1799	38	34
1800 - — - 1809	51	50
1810 - — - 1818	118	117
	299	282
	282	
Executed - -	17	
Housebreaking, a person being therein, and put in fear: 1 Ed. 6, c. 12, s. 10.		
1770 - to - 1800	—	—
1801 - — - 1818	4	1
	1	
Executed - -	3	
Hop Binds growing on Poles in a Plantation, feloniously Cutting:		
1770 - to - 1800	—	—
1800 - — - 1818	1	1
Horse Stealing:		
1770 - to - 1779	78	77
1780 - — - 1789	85	63
1790 - — - 1799	45	35
1800 - — - 1809	71	54
1810 - — - 1818	76	76
	355	305
	305	
Executed - -	50	
Infant under 10 years of age, carnally Knowing and Abusing:		
1770 - to - 1798	—	—
1799 - — - 1818	4	1
	1	
Executed - -	3	
Loom, maliciously Cutting Serges in: 22 Geo. 3, c. 40.		
1770 - to - 1793	—	—
1794 - — - 1818	1	1
Murder:		
1770 - to - 1779	27	—
1780 - — - 1789	29	7
1790 - — - 1799	29	1
1800 - — - 1809	16	—
1810 - — - 1818	32	8
	133	16
	16	
Executed - -	117	
Mail Robbery:		
1770 - to - 1792	—	—
1793 - — - 1818	1	—

An Account of the Number of Convictions on the Western Circuit, &c.—*continued.*

	Convicted.	Reprieved.
Naval Stores above the value of 20*s.* Stealing:		
1770 - to - 1789 - -	–	–
1790 - — - 1799 - -	11	11
1800 - — - 1809 - -	13	12
1810 - — - 1818 - -	20	20
	44	43
	43	
Executed - -	1	
Person, Stealing privately from:		
1770 - to - 1779 - -	3	3
1780 - — - 1789 - -	2	2
1790 - — - 1799 - -	2	2
1800 - — - 1809 - -	4	4
1810 - — - 1818 - -	–	–
	11	11
Post Office, Stealing and Secreting Letters from:		
1770 - to - 1810 - -	–	–
1811 - — - 1818 - -	3	2
	2	
Executed - -	1	
Rape:		
1770 - to - 1779 - -	5	2
1780 - — - 1789 - -	4	2
1790 - — - 1799 - -	3	1
1800 - — - 1809 - -	6	3
1810 - — - 1818 - -	11	1
	29	9
	9	
Executed - -	20	
Rack and Tenter, Cutting and Stealing Cloth from:		
1770 - to - 1779 - -	4	4
1780 - — - 1789 - -	5	5
1790 - — - 1799 - -	2	2
1800 - — - 1809 - -	1	1
1810 - — - 1818 - -	2	2
	14	14
Robbery in a Dwelling-house: 3 & 4 W. & M. c. 9.		
1770 - to - 1779 - -	6	6
1780 - — - 1789 - -	–	–
1790 - — - 1799 - -	4	4
1800 - — - 1809 - -	5	1
1810 - — - 1818 - -	1	1
	16	12
	12	
Executed - -	4	
Riot, and beginning to Pull down Houses, &c.:		
1770 - to - 1779 - -	–	–
1780 - — - 1818 - -	4	2
	2	
Executed - -	2	
Sodomy:		
1770 - to - 1818 - -	7	3
	3	
Executed - -	4	
Sheep Stealing:		
1770 - to - 1779 - -	68	65
1780 - — - 1789 - -	115	104
1790 - — - 1799 -	64	57
1800 - — - 1809 - -	91	72
1810 - — - 1818 - -	119	111
	457	409
	409	
Executed - -	48	
Shop-lifting:		
1770 - to - 1779 - -	5	5
1780 - — - 1789 - -	18	18
1790 - — - 1799 - -	12	12
1800 - — - 1809 - -	13	13
1810 - — - 1818 - -	17	17
	65	65
Shooting maliciously at:		
1770 - to - 1779 - -	1	–
1780 - — - 1789 - -	3	1
1790 - — - 1799 - -	1	–
1800 - — - 1809 - -	12	12
1810 - — - 1818 - -	10	9
	27	22
	22	
Executed - -	5	
Seamen, feloniously Personating to receive Wages, &c.		
1770 - to - 1783 - -	–	–
1784 - — - 1818 - -	11	9
	9	
Executed - -	2	
Sacrilege:		
1770 - to - 1808 - -	–	–
1809 - — - 1818 - -	6	6
Sailor, feloniously endeavouring to Seduce from his Allegiance: 37 Geo. 3, c. 70.		
1770 - to - 1803 - -	–	–
1804 - — - 1818 - -	1	–
Ship lying in a Port of Entry, Stealing to the value of 40*s.* from: 24 Geo. 3, c. 45.		
To - - 1798 - -	–	–
1799 - to - 1818 - -	7	7
Transportation, Returning from, before Term expired:		
1770 - to - 1779 - -	3	2
1780 - — - 1789 - -	4	3
1790 - — - 1799 - -	16	12
1800 - — - 1809 - -	4	4
1810 - — - 1818 - -	4	4
	31	25
	25	
Executed - -	6	
Treason, High:		
1770 - to - 1782 - -	–	–
1783 - — - 1818 - -	5	3
	3	
Executed - -	2	
Treason, Petit:		
1770 - to - 1781 - -	–	–
1782 - — - 1818 - -	4	–

Appendix, No. 11. - - - -

An ACCOUNT of the CONVICTIONS and EXECUTIONS on the OXFORD CIRCUIT, for the several
but this Return is unavoidably imperfect, as Prisoners are occasionally pardoned, or
for the time being, without Communication

YEAR	COUNTIES, &c.	Arson.	Burglary.	Bestiality.	Cattle Stealing.	Dwelling-house, Stealing 40s. value in.	Forgery and Uttering, &c.	Highway Robbery.	House-breaking.	Horse Stealing.	Letters, Stealing from the Post Office,&c.	Letters, Anonymous, Sending, Threatening to Murder.
1799	Berkshire	–	–	–	–	1	–	2	2	3	–	–
	Oxfordshire	–	–	–	–	–	–	2	–	–	–	–
	Worcestershire and City	–	2	–	–	–	–	–	–	1	–	–
	Staffordshire	–	–	–	–	–	1	–	–	–	–	–
	Shropshire	–	–	–	–	–	–	–	–	1	–	–
	Herefordshire	–	–	–	–	–	–	–	–	1	–	–
	Monmouthshire	–	–	–	–	–	–	–	–	–	–	–
	Gloucestershire and City	–	1	–	1	–	–	–	2	–	–	–
1800	Berkshire	–	–	–	–	–	–	2	3	–	–	–
	Oxfordshire	–	–	–	–	–	–	1	1	1	–	–
	Worcestershire and City	–	6	–	–	1	–	–	2	–	–	–
	Staffordshire	–	3	–	1	–	2	1	1	1	–	–
	Shropshire	–	6	–	–	–	–	–	3	1	–	–
	Herefordshire	–	–	–	–	2	–	–	1	2	–	–
	Monmouthshire	–	–	–	–	–	–	3	–	–	–	–
	Gloucestershire and City	–	1	–	–	2	1	–	5	7	–	–
1801	Berkshire	–	–	–	–	1	–	–	3	1	–	–
	Oxfordshire	–	2	–	–	–	–	–	–	1	–	–
	Worcestershire and City	–	5	–	2	1	–	5	3	3	–	–
	Staffordshire	–	9	–	2	2	3	–	2	4	–	–
	Shropshire	–	3	–	–	1	–	3	1	3	–	–
	Herefordshire	–	3	–	–	3	–	–	4	1	–	–
	Monmouthshire	–	–	–	–	1	–	–	–	–	–	–
	Gloucestershire and City	–	5	–	–	1	–	3	3	3	–	–
1802	Berkshire	–	1	–	1	–	–	1	1	1	–	–
	Oxfordshire	–	1	–	–	–	1	–	–	–	–	–
	Worcestershire and City	–	–	–	–	1	–	–	3	1	–	–
	Staffordshire	–	1	–	2	–	–	–	2	1	–	–
	Shropshire	–	3	–	–	2	–	–	1	5	–	–
	Herefordshire	–	–	–	–	–	1	3	1	–	–	–
	Monmouthshire	–	1	–	1	–	–	–	–	–	–	–
	Gloucestershire and City	–	2	–	–	1	–	2	2	1	–	–
1803	Berkshire	–	1	–	–	–	1	–	1	2	–	–
	Oxfordshire	–	2	–	–	–	–	–	2	1	–	–
	Worcestershire and City	–	–	–	–	2	1	3	–	1	–	–
	Staffordshire	–	1	–	–	3	–	–	–	1	–	–
	Shropshire	–	2	–	–	–	–	–	3	–	–	–
	Herefordshire	–	–	–	–	–	–	–	–	–	–	–
	Monmouthshire	–	–	–	–	–	–	1	–	–	–	–
	Gloucestershire and City	–	–	–	–	1	1	2	–	1	–	–
1804	Berkshire	–	1	–	–	1	–	–	1	–	–	–
	Oxfordshire	–	–	–	–	–	–	–	–	–	–	–
	Worcestershire and City	–	1	–	–	–	–	–	1	1	–	–
	Staffordshire	–	1	–	1	–	1	–	–	2	–	–
	Shropshire	–	–	–	–	–	–	–	–	1	–	–
	Herefordshire	–	–	–	–	–	–	2	–	–	–	–
	Monmouthshire	–	–	–	–	–	–	–	1	2	–	–
	Gloucestershire and City	–	1	–	1	1	–	2	2	1	–	–
1805	Berkshire	–	–	–	–	2	–	1	1	–	–	–
	Oxfordshire	–	–	–	–	–	1	–	–	–	–	–
	Worcestershire and City	1	2	–	–	–	1	–	1	–	–	–
	Staffordshire	1	–	–	–	1	–	–	–	1	–	–
	Shropshire	–	–	–	–	1	–	1	–	1	1	–
	Herefordshire	–	1	–	–	1	–	–	1	2	–	–
	Monmouthshire	–	–	–	–	–	–	–	–	–	–	–
	Gloucestershire and City	–	–	–	–	3	–	–	–	4	–	–
	TOTAL	2	68	–	12	36	15	40	60	64	1	–

Appendix, No. 11.

Years hereinafter mentioned, for CAPITAL OFFENCES, distinguishing each Capital Offence; their Sentences altered by the Order of His Majesty's Principal Secretaries of State being made to the Clerk of Assize.

Murder.	Oath, feloniously Taking, to obtain Administration to a Seaman.	Person, Stealing privately from.	Rape, &c.	Rack and Tenter, Stealing and Cutting Cloth from.	Riot Act, continuing One Hour after Reading.	River, navigable, Stealing Goods, value 40s. from.	Shooting maliciously at, and Cutting, &c.	Sheep Stealing.	Shoplifting.	Sacrilege.	Sodomy.	Transportation, Returning from, before the Time expired.	Numbers supposed to have been Executed.	TOTAL Convicted for each County.	TOTAL for each Year.
–	–	–	–	–	–	–	–	2	–	–	–	–	4	10	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	4	
1	–	–	–	–	–	–	–	1	–	–	–	–	1	3	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	
–	–	–	–	–	–	–	–	5	–	–	–	–	–	6	
1	–	–	–	–	–	–	–	1	–	–	–	–	1	2	
1	–	–	–	–	–	–	–	1	–	–	–	–	1	6	
															34
1	–	–	–	–	–	–	–	3	–	–	–	–	1	9	
1	–	–	–	–	–	–	–	1	–	–	–	–	1	5	
2	–	–	–	–	–	–	–	13	–	–	–	–	5	24	
–	–	–	–	–	1	–	–	1	–	–	–	–	3	11	
–	–	–	–	–	–	–	–	4	1	–	–	–	2	15	
–	–	–	–	–	–	–	–	3	–	–	–	–	–	8	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	
1	–	–	–	2	–	–	–	4	–	–	–	–	8	23	
															93
1	–	–	–	–	–	–	–	5	–	–	–	–	3	11	
–	–	–	–	–	–	–	–	6	–	–	–	–	1	9	
–	–	–	–	–	–	–	–	9	–	–	–	2	3	30	
–	–	–	–	–	–	–	–	5	–	–	–	–	7	27	
–	–	–	–	–	–	–	1	3	–	–	–	–	2	15	
–	–	–	–	–	–	–	–	4	–	–	–	–	1	15	
–	–	–	–	–	–	–	–	2	–	–	–	–	1	3	
–	–	–	–	–	–	–	–	14	1	–	–	–	7	30	
															140
1	–	–	–	–	–	–	–	1	1	–	–	–	2	8	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	
1	–	–	–	–	–	–	–	2	1	–	–	–	1	9	
–	–	–	–	–	–	–	–	1	1	–	–	–	–	3	
–	–	–	–	–	–	–	–	3	2	–	–	–	4	16	
–	–	1	–	–	–	–	–	3	1	–	–	1	–	11	
–	–	–	–	–	–	–	–	–	–	–	–	–	2	2	
–	–	–	–	–	–	–	–	1	–	–	–	–	2	9	
															65
–	–	–	–	–	–	–	–	–	–	–	–	–	1	5	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	6	
–	–	–	–	–	–	–	–	2	–	–	–	–	3	9	
–	–	–	–	–	–	–	–	–	1	–	–	–	–	6	
1	–	1	–	–	–	1	–	–	–	–	–	–	1	8	
1	–	–	–	–	–	–	–	2	–	–	–	–	1	3	
–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	
–	–	–	–	–	–	–	–	–	–	–	–	–	2	5	
															43
–	–	–	–	–	–	–	1	1	–	–	–	–	–	5	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
–	–	1	–	–	–	–	–	2	–	–	–	–	1	6	
–	–	–	–	–	–	–	–	–	1	–	–	–	1	6	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	
–	–	–	–	–	–	–	–	4	–	–	–	–	1	6	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	
–	–	–	–	1	–	–	–	–	–	–	–	–	1	9	
															36
–	–	–	–	–	–	–	–	2	–	–	–	–	1	6	
–	–	–	–	–	–	–	–	4	–	–	–	1	1	6	
–	–	–	–	–	–	–	–	1	2	–	–	–	2	8	
–	–	–	–	1	–	–	–	2	–	–	–	–	1	6	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	5	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	5	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
–	–	–	–	–	–	–	–	2	–	–	–	–	1	9	
															45
13	–	3	–	4	1	1	2	123	12	–	–	4	82	–	461

Appendix, No. 11—*continued.* - - - -

An Account of the CONVICTIONS and EXECUTIONS on the OXFORD CIRCUIT, for

YEAR	COUNTIES, &c.	Arson.	Burglary.	Bestiality.	Cattle Stealing.	Dwelling-house, Stealing 40 s. value in.	Forgery and Uttering, &c.	Highway Robbery.	House-breaking.	Horse Stealing.	Letters, Stealing from the Post Office, &c.	Letters, Anonymous, Sending, Threatening to Murder.
1806	Berkshire	–	–	–	–	3	–	2	–	–	–	–
	Oxfordshire	–	4	–	–	1	–	–	–	–	–	–
	Worcestershire and City	–	3	–	–	–	–	1	–	1	–	–
	Staffordshire	–	1	–	–	–	1	1	1	2	–	–
	Shropshire	–	1	–	–	1	–	–	1	3	–	–
	Herefordshire	–	–	–	–	1	–	–	1	–	–	–
	Monmouthshire	–	1	–	–	–	–	–	–	–	–	–
	Gloucestershire and City	–	1	–	1	–	–	1	1	2	–	–
1807	Berkshire	–	–	–	–	–	–	–	–	–	–	–
	Oxfordshire	–	–	–	–	–	–	–	1	–	–	–
	Worcestershire and City	–	–	–	–	–	–	–	–	–	–	–
	Staffordshire	–	–	–	1	2	1	–	–	3	–	–
	Shropshire	–	2	–	–	–	–	–	1	–	–	–
	Herefordshire	–	1	–	–	1	–	–	–	1	–	–
	Monmouthshire	–	–	–	–	–	–	–	–	–	–	–
	Gloucestershire and City	–	2	–	–	1	–	1	1	–	–	–
1808	Berkshire	–	1	–	–	–	–	–	–	–	–	–
	Oxfordshire	–	–	–	–	–	–	1	–	–	–	–
	Worcestershire and City	–	–	–	–	–	1	–	1	1	–	–
	Staffordshire	–	2	–	–	1	1	–	–	2	–	–
	Shropshire	–	–	–	–	1	1	–	–	2	–	–
	Herefordshire	–	–	–	1	–	–	–	–	–	–	–
	Monmouthshire	–	2	–	–	–	–	–	1	–	–	–
	Gloucestershire and City	–	3	–	1	–	–	–	1	2	–	–
1809	Berkshire	–	1	–	–	–	–	–	–	1	–	–
	Oxfordshire	–	4	–	–	1	1	–	–	2	–	–
	Worcestershire and City	–	1	–	–	–	–	7	–	2	–	–
	Staffordshire	–	2	–	–	3	–	–	3	–	–	–
	Shropshire	–	1	–	1	–	–	–	–	1	–	–
	Herefordshire	–	–	–	–	1	–	–	2	–	–	–
	Monmouthshire	–	–	–	–	–	–	–	–	–	–	–
	Gloucestershire and City	–	1	–	–	1	1	2	2	1	–	–
1810	Berkshire	–	1	–	–	1	–	–	–	4	–	–
	Oxfordshire	–	–	–	–	–	–	–	–	1	–	–
	Worcestershire and City	–	2	–	1	–	–	2	–	2	1	–
	Staffordshire	–	1	–	–	1	2	–	3	2	–	–
	Shropshire	–	1	–	–	1	–	–	1	1	–	–
	Herefordshire	–	1	–	–	–	–	–	–	2	–	–
	Monmouthshire	–	–	–	–	–	–	–	–	2	–	–
	Gloucestershire and City	–	1	–	–	2	–	–	1	1	–	–
1811	Berkshire	–	–	1	–	–	–	–	–	1	–	–
	Oxfordshire	–	–	–	–	–	–	–	–	–	–	–
	Worcestershire and City	–	–	–	–	–	–	–	1	1	–	–
	Staffordshire	–	4	1	–	–	1	–	1	2	–	–
	Shropshire	–	5	–	–	1	–	–	1	2	–	–
	Herefordshire	–	–	–	1	1	1	–	–	1	–	–
	Monmouthshire	–	–	–	–	–	–	–	–	1	–	–
	Gloucestershire and City	–	4	–	–	–	1	–	3	–	–	–
1812	Berkshire	–	–	–	–	1	1	–	2	2	–	–
	Oxfordshire	–	–	–	–	1	1	–	2	1	–	–
	Worcestershire and City	–	2	–	–	1	–	–	2	–	–	–
	Staffordshire	1	1	–	–	2	1	1	2	4	–	–
	Shropshire	–	–	–	–	1	–	–	1	1	–	–
	Herefordshire	–	–	–	–	–	–	–	2	5	–	–
	Monmouthshire	–	1	–	–	–	–	–	–	–	–	–
	Gloucestershire and City	–	1	–	–	–	–	3	1	3	–	–
	TOTAL	1	59	2	7	31	15	22	41	65	1	–

Appendix, No. 11—*continued.*

the several Years hereinafter mentioned, for CAPITAL OFFENCES, &c.—*continued.*

Murder.	Oath, feloniously Taking, to obtain Administration to a Seaman.	Person, Stealing privily from.	Rape, &c.	Rack and Tenter, Stealing and Cutting Cloth from.	Riot Act, continuing One Hour after Reading.	River, Navigable, Stealing Goods, value 40s. from.	Shooting maliciously at, and Cutting, &c.	Sheep Stealing.	Shoplifting.	Sacrilege.	Sodomy.	Transportation, Returning from, before the Time expired.	Numbers supposed to have been Executed.	TOTAL Convicted for each County.	TOTAL for each Year.
–	–	–	–	–	–	–	–	–	–	–	–	–	–	5	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	5	
–	–	–	–	–	–	–	–	–	2	–	–	1	2	8	
–	–	–	–	–	–	–	–	2	–	–	–	–	–	3	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	6	
–	–	–	–	–	–	–	–	4	–	–	–	–	–	6	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	6	
															45
–	–	–	–	–	–	–	2	1	–	–	–	–	–	3	
–	–	–	–	–	–	1	–	–	–	–	–	–	–	2	
–	–	–	–	–	–	–	1	–	–	–	–	–	–	1	
1	–	–	–	–	–	–	–	1	–	–	–	–	1	9	
–	–	–	–	–	–	–	–	–	–	–	–	–	1	3	
–	–	–	–	–	–	–	–	3	–	–	–	–	–	6	
–	–	–	–	–	–	–	–	2	–	–	–	–	1	2	
–	–	–	–	–	–	–	–	–	–	–	–	–	1	5	
															31
–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	
–	–	–	–	–	–	2	–	1	–	–	–	–	–	6	
1	–	–	–	–	–	–	–	3	–	–	–	–	1	10	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	4	
1	–	–	–	–	–	–	–	–	1	–	–	–	1	3	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	
–	–	–	1	–	–	–	–	1	–	–	–	–	1	9	
															37
–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	8	
–	–	–	–	–	–	–	–	1	–	–	–	–	2	11	
–	–	–	–	–	–	–	1	1	1	–	–	–	–	11	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	9	
															47
–	–	–	–	–	–	–	–	–	–	–	–	–	–	6	
–	–	–	–	–	–	–	–	–	–	–	–	1	–	2	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	9	
–	–	–	–	–	–	–	–	–	4	–	–	–	3	13	
–	–	–	–	–	–	–	–	2	–	–	–	–	–	6	
–	–	–	–	–	–	–	–	–	1	–	–	–	–	4	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	
1	–	–	–	–	–	–	1	1	1	–	–	–	1	9	
															51
–	–	–	–	–	–	–	–	3	–	–	–	–	1	5	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
–	–	–	–	–	–	–	–	2	–	–	–	–	–	4	
1	–	–	–	–	–	–	–	1	–	–	–	–	2	11	
–	–	–	–	–	–	–	–	–	2	–	–	–	5	11	
2	–	–	–	–	–	–	–	2	–	–	–	–	3	9	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	
–	–	–	–	–	–	–	–	5	1	–	–	–	1	14	
															55
–	–	–	–	–	–	–	–	–	1	–	–	–	–	7	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	6	
–	–	–	1	–	–	–	–	1	–	–	–	–	1	7	
1	–	–	–	–	–	–	–	–	–	–	–	2	2	15	
1	–	–	–	–	–	–	–	–	–	–	–	–	1	4	
–	–	–	–	–	–	–	–	2	–	–	–	–	1	9	
–	–	–	–	–	–	–	1	–	–	–	–	–	–	2	
1	–	–	–	–	–	–	–	2	–	–	–	–	2	11	
															61
10	–	–	2	–	–	3	6	44	14	–	–	4	35	–	327

Appendix, No. 11—*continued.* - - -

An Account of the Convictions and Executions on the Oxford Circuit, for

YEAR	COUNTIES, &c.	Arson.	Burglary.	Bestiality.	Cattle Stealing.	Dwelling-house, Stealing 40 s. value in.	Forgery and Uttering, &c.	Highway Robbery.	House-breaking.	Horse Stealing.	Letters, Stealing from the Post Office, &c.	Letters, Anonymous, Sending, Threatening to Murder.
1813	Berkshire	–	–	–	–	1	–	1	2	3	–	–
	Oxfordshire	–	4	–	–	–	–	–	1	–	–	–
	Worcestershire and City	–	8	–	–	2	–	2	5	4	–	–
	Staffordshire	–	9	–	–	–	1	–	2	2	–	–
	Shropshire	–	–	–	–	1	1	–	1	1	–	–
	Herefordshire	–	2	–	–	1	–	–	1	–	–	–
	Monmouthshire	–	–	–	–	–	–	–	–	–	–	–
	Gloucestershire and City	–	4	–	–	5	–	3	5	4	–	–
1814	Berkshire	–	3	–	–	2	–	–	2	2	–	–
	Oxfordshire	–	–	–	–	–	–	–	–	–	–	–
	Worcestershire and City	–	3	–	–	1	–	–	–	5	–	–
	Staffordshire	–	2	–	–	2	1	–	1	2	–	1
	Shropshire	–	1	–	4	2	–	–	2	3	–	–
	Herefordshire	–	–	–	1	1	–	–	–	3	–	–
	Monmouthshire	–	2	–	–	–	–	–	–	1	–	–
	Gloucestershire and City	1	1	–	–	2	1	3	2	2	–	–
1815	Berkshire	–	1	–	–	–	1	–	–	–	–	–
	Oxfordshire	–	1	–	–	1	–	–	–	1	–	–
	Worcestershire and City	–	4	–	–	1	–	–	6	4	–	–
	Staffordshire	–	–	–	1	1	1	–	4	–	–	–
	Shropshire	–	4	–	1	–	–	–	–	–	–	–
	Herefordshire	–	1	–	–	–	–	–	3	1	–	–
	Monmouthshire	–	–	–	–	–	–	–	–	–	–	–
	Gloucestershire and City	–	1	–	1	2	–	3	2	3	–	–
1816	Berkshire	–	–	–	–	1	–	–	–	–	–	–
	Oxfordshire	–	1	–	–	–	–	–	1	1	1	–
	Worcestershire and City	–	8	–	–	3	2	–	7	–	–	–
	Staffordshire	–	8	–	2	–	–	–	5	2	1	–
	Shropshire	–	2	–	3	–	1	1	1	–	–	–
	Herefordshire	–	1	–	1	2	–	–	5	1	–	–
	Monmouthshire	–	–	–	–	–	–	–	1	1	–	–
	Gloucestershire and City	–	10	–	–	2	–	1	9	3	–	–
1817	Berkshire	–	–	–	–	2	–	–	1	1	–	–
	Oxfordshire	2	2	–	–	–	–	–	5	–	–	–
	Worcestershire and City	–	15	–	–	–	–	2	5	3	–	–
	Staffordshire	–	17	–	1	10	3	5	3	3	–	–
	Shropshire	–	8	–	3	–	–	4	4	4	–	–
	Herefordshire	–	9	–	–	–	–	–	8	3	–	–
	Monmouthshire	–	1	–	2	1	3	–	1	–	–	–
	Gloucestershire and City	–	12	–	–	6	–	5	9	5	–	–
1818	Berkshire	–	8	–	–	2	–	–	7	2	–	–
	Oxfordshire	–	4	–	–	2	2	3	–	3	–	–
	Worcestershire and City	–	6	–	–	1	1	–	9	1	–	–
	Staffordshire	–	13	–	–	2	–	–	6	8	–	–
	Shropshire	–	8	–	–	1	–	–	5	7	–	–
	Herefordshire	1	11	–	–	3	–	–	5	–	–	–
	Monmouthshire	–	–	–	–	1	–	–	1	–	–	–
	Gloucestershire and City	–	21	–	–	5	–	2	6	9	–	–
1819	Lent Circuit only.											
	Berkshire	–	2	–	1	1	–	1	2	1	–	–
	Oxfordshire	–	5	–	–	–	–	5	–	–	–	–
	Worcestershire and City	–	4	–	3	–	1	–	10	1	–	–
	Staffordshire	–	16	–	–	1	1	–	1	6	–	–
	Shropshire	–	6	–	–	–	–	–	4	2	–	–
	Herefordshire	–	2	–	1	–	–	–	2	1	–	–
	Monmouthshire	–	3	–	–	–	–	–	–	1	–	–
	Gloucestershire and City	–	8	–	–	5	1	1	3	2	–	–
	Total of last Seven Years	4	262	–	25	76	21	42	165	112	2	1
	Total of first Seven Years	2	68	–	12	36	15	40	60	64	1	–
	Total of 2d Seven Years	1	59	2	7	31	15	22	41	65	1	–
	TOTAL for 21 Years	7	389	2	44	143	51	104	266	241	4	1

Appendix, No. 11—*continued.*

the several Years hereinafter mentioned, for CAPITAL OFFENCES, &c.—*continued.*

Murder.	Oath, feloniously Taking to obtain Administration to a Seaman.	Person, Stealing privately from.	Rape, &c.	Rack and Tenter, Stealing and Cutting Cloth from.	Riot Act, continuing One Hour after Reading.	River, navigable, Stealing Goods, value 40s. from.	Shooting maliciously at, and Cutting, &c.	Sheep Stealing.	Shoplifting.	Sacrilege.	Sodomy.	Transportation, Returning from, before the Time expired.	Numbers supposed to have been Executed.	TOTAL Convicted for each County.	TOTAL for each Year.
–	–	–	–	–	–	–	–	1	–	–	–	–	–	8	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	6	
–	–	–	–	1	–	–	–	1	1	–	–	–	–	24	
1	–	–	1	–	–	–	–	2	1	–	–	–	4	19	
1	–	–	–	–	–	–	–	3	1	–	–	–	2	9	
–	–	–	–	–	–	–	–	2	–	–	–	–	–	6	
–	–	–	–	–	–		–	2	–	–	–	–	–	2	
1	–	–	–	1	–	–	–	4	–	–	–	–	7	27	
															101
–	–	–	–	–	–	–	–	–	–	–	–	–	1	9	
–	–	–	–	–	–	–	–	4	–	–	–	–	–	4	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	10	
1	–	–	–	–	–	–	–	2	–	–	–	–	1	12	
–	–	–	–	–	–	–	1	2	1	–	1	–	1	17	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	5	
–	–	–	–	–	–	–	–	2	–	–	–	–	1	5	
–	–	–	–	–	–	–	–	3	–	–	–	–	2	15	
															77
–	–	–	–	–	–	–	–	–	1	–	–	–	1	3	
1	–	–	–	–	–	–	–	3	–	–	–	–	1	7	
–	–	–	1	–	–	–	–	6	2	–	–	–	1	24	
–	–	–	–	–	–	–	–	–	–	–	–	–	1	7	
1	–	–	–	–	–	–	–	–	–	–	–	–	2	6	
–	–	–	–	–	–	–	–	1	–	–	–	1	–	7	
–	–	–	–	–	–	–	–	1	–	–	–	–	–	1	
–	–	–	–	–	–	1	1	1	–	–	–	–	–	15	
															70
–	–	–	–	–	–	–	–	2	–	–	–	–	–	3	
–	–	–	–	–	–	–	–	–	–	–	–	–	1	4	
–	–	–	–	–	–	–	–	3	2	–	–	–	3	25	
–	–	–	–	–	–	–	1	–	–	–	–	–	1	19	
–	–	–	–	–	–	–	–	6	–	–	–	–	–	14	
1	–	–	–	–	–	–	–	3	–	1	–	–	1	15	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	
11	–	–	–	1	–	–	1	2	–	–	–	–	4	40	
															122
–	–	–	–	–	–	–	–	6	–	–	–	–	1	10	
–	–	–	–	–	–	–	–	1	–	–	–	–	1	10	
–	–	–	–	–	–	–	1	5	–	–	–	–	2	31	
1	–	–	–	–	–	–	–	3	–	–	–	–	2	46	
–	1	–	–	–	–	–	–	16	2	–	–	–	3	42	
1	–	–	–	–	–	–	1	10	–	–	–	–	3	32	
1	–	–	–	–	–	–	–	4	–	–	–	–	2	13	
3	–	–	1	–	–	–	–	8	–	–	–	1	7	50	
															234
–	–	–	–	–	–	–	–	2	–	–	–	–	1	21	
–	–	–	–	–	–	–	–	2	–	–	–	–	2	16	
–	–	–	–	–	–	–	–	9	–	–	–	–	1	27	
–	–	–	–	–	–	–	1	1	–	1	–	–	2	32	
–	–	–	–	–	–	–	–	4	4	–	–	–	2	29	
–	–	–	–	–	–	–	–	4	1	–	–	–	2	25	
–	–	–	–	–	–	–	–	4	–	–	–	–	–	6	
1	–	–	1	–	–	–	–	12	–	–	–	–	9	57	
															213
–	–	–	–	–	–	–	–	3	1	–	–	–	–	12	
–	–	–	–	–	–	–	–	8	–	–	–	–	–	16	
–	–	–	–	–	–	–	–	3	1	–	–	–	1	23	
–	–	–	–	–	–	–	–	2	2	–	–	–	–	29	
–	–	–	–	–	–	–	1	1	–	–	–	–	1	14	
–	–	–	–	–	–	–	–	4	–	–	–	–	–	10	
–	–	–	–	–	–	–	–	5	1	–	–	–	1	10	
1	–	–	–	–	–	–	–	6	–	–	–	–	2	27	
															143
26	1	–	4	3	–	1	8	181	21	2	1	2	80	–	960
13	–	3	–	4	1	1	2	123	12	–	–	4	82	–	461
10	–	–	2	–	–	3	6	44	14	–	–	4	35	–	327
49	1	3	6	7	1	5	16	348	47	2	1	10	197	–	1,748

Ben. Pugh,

Deputy Clerk of the Assizes for the Oxford Circuit.

Appendix, No. 12.

AN ACCOUNT of the several Persons who have been Committed for Trial, and been Tried and Convicted respectively of Capital Offences at the Assizes held in the several Counties, City, and Liberty on the *Norfolk* Circuit, from the Year 1767 to the Year 1819; distinguishing when Tried, the Offences of which they were severally Convicted, and whether Reprieved or left for Execution.

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1768	Bucks	1 Highway robbery	Reprieved.
		1 Killing a sheep, with intent to steal it	D°
		1 Stealing a mare	D°
	Bedford	1 Burglary	Left for execution.
	Cambridge	1 Sheep stealing	Reprieved.
		1 D°	D°
	Norfolk	1 D°	D°
		1 D°	Left for execution
		8	
Summer	Bucks	1 Stealing a mare	Reprieved.
	Bedford	1 Burglary	Left for execution.
	Cambridge	1 Stealing a gelding	Reprieved.
	Suffolk	1 Stealing in a dwelling-house the value of 40*s.*	Left for execution.
	Liberty of Bury	1 The like	Reprieved.
	Norfolk	1 Stealing a bullock	D°
		1 Stealing in a dwelling-house the value of 40*s.*	D°
		1 Stealing a gelding	Left for execution.
		8	
Lent 1769	Bucks	1 Burglary	Reprieved.
	Bedford	1 Stealing a gelding	D°
		1 Burglary	D°
	Cambridge	1 Stealing in a dwelling house above the value of 40*s.*	D°
	Norfolk	1 Stealing two geldings	D°
		1 Stealing two mares	D°
		1 Housebreaking	D°
	Suffolk	1 Burglary	Left for execution.
		1 D°	D°
	Liberty of Bury	1 Stealing a mare	Reprieved.
		1 Returning from transportation before the expiration of the term	Left for execution.
		11	
Summer	Bedford	1 Burglary	Left for execution.
		1 Housebreaking	Reprieved.
	Suffolk	1 Highway robbery	D°
	Norfolk	1 Housebreaking	Left for execution.
		1 D°	Reprieved.
		5	
Lent 1770	Bucks	1 Stealing a gelding	Reprieved.
		1 Being at large, and breaking prison before execution	D°
		1 Burglary	Left for execution.
		1 Housebreaking	Reprieved.
		1 Highway robbery	D°
	Bedford	1 D°	Left for execution.

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1770 - - - *continued.*	Hunts - - - -	1 Stealing a mare - - - -	Reprieved.
		1 Highway robbery - - - -	Left for execution.
		1 D° - - - - - -	D°
	Cambridge - -	1 Burglary - - - - -	D°
		1 Highway robbery - - - -	Reprieved.
	Norfolk - - -	1 Stealing two geldings - - -	D°
	Suffolk - - -	1 Stealing a gelding - - - -	D°
		1 Stealing a mare - - - -	D°
	Liberty of Bury -	1 Stealing a gelding - - - -	D°
		15	
Summer - - -	Bucks - - - -	1 Breaking prison before execution -	Left for execution.
		1 Killing a gelding - - - -	Reprieved.
		1 Housebreaking - - - -	D°
	Cambridge - -	1 Wilfully and maliciously shooting at, on the king's highway - - -	Left for execution.
		1 Rape - - - - - -	Reprieved.
	Suffolk - - -	1 Stealing a mare - - - -	D°
		1 D° - - - - - -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 Stealing a mare - - - -	D°
		1 Sheep stealing - - - -	D°
		10	
Lent 1771 - -	Bucks - - - -	1 Stealing a gelding - - - -	Reprieved.
		1 Stealing in a dwelling-house goods and monies, value 40*s.* - - -	D°
	Bedford - - -	1 D° - - - - - -	D°
		1 Stealing £. 9. 9*s.* in a dwelling-house -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 Highway robbery - - - -	Left for execution.
		1 Stealing a mare - - -	Reprieved.
		1 Larceny in a dwelling-house - -	D°
	Suffolk - - -	1 Burglary - - - - -	Left for execution.
		1 Arson - - - - - -	D°
	Liberty of Bury -	1 Stealing a cow - - - -	Reprieved.
		11	
Summer - - -	Cambridge - -	1 Sheep-stealing - - - -	Reprieved.
	Liberty of Bury -	1 Burglary - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
	Norfolk - - -	1 Sheep-stealing - - - -	D°
		4	
Lent 1772 - - -	Bucks - - - -	1 Burglary - - - - -	Reprieved.
		1 Sheep-stealing - - - -	D°
		1 D° - - - - - -	D°
	Bedford - - -	1 Stealing goods and monies in a dwelling-house - - - - -	D°
	Hunts - - -	1 Highway robbery - - - -	D°
	Norfolk - - -	1 Stealing a mare - - - -	D°
		1 Stealing two heifers - - -	D°
		7	
Summer - - -	Bucks - - - -	1 Highway robbery - - - -	Reprieved.
		1 Burglary - - - - -	D°
	Cambridge - -	1 Stealing two mares - - -	D°
	Suffolk - - -	1 Forgery - - - - -	Left for execution.
	Liberty of Bury -	1 Burglary - - - - -	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Summer 1772 - *continued.*	Norfolk - - -	2 Sheep stealing - - - -	Reprieved.
		1 Stealing a mare - - - -	D°
		1 Burglary - - - - -	D°
	City of Norwich	2 Highway robbery - - -	D°
		1 D° - - - - - -	Left for execution.
		12	
Lent 1773 - -	Bucks - - -	1 Highway robbery - - -	Left for execution.
		1 Robbery in a dwelling-house -	D°
		1 Stealing a gelding - - -	Reprieved.
		1 D° - - - - - -	D°
	Bedford - - -	1 Highway robbery - - -	D°
	Norfolk - - -	1 Stealing a mare - - - -	D°
		1 Burglary - - - - -	D°
	Suffolk - - -	1 D° - - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 Housebreaking - - - -	D°
		1 Stealing a gelding - - -	D°
		1 D° - - - - - -	D°
		12	
Summer - - -	Bucks - - -	1 Robbery in a dwelling-house -	Reprieved.
		1 Highway robbery - - -	D°
		1 D° - - - - - -	D°
	Hunts - - -	1 Stealing goods and monies in a dwelling-house - - -	D°
	Norfolk - - -	1 Rape - - - - - -	D°
		1 Burglary - - - - -	D°
		1 Stealing a gelding - - -	D°
		1 Sheep stealing - - - -	D°
	City of Norwich	1 Privately stealing in a shop, goods, value 54*s.* - - - -	D°
		1 Stealing privately from the person	D°
		1 Burglary - - - - - -	Left for execution.
		11	
Lent 1774 - -	Bucks - - -	1 Highway robbery - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 D° - - - - - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - - -	D°
	Bedford - - -	1 Highway robbery - - -	D°
		1 Sheep stealing - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
	Cambridge - -	1 Burglary - - - - -	D°
	Norfolk - - -	1 D° - - - - - -	D°
		1 D° - - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 D° - - - - - -	Left for execution.
		1 Stealing a mare - - - -	Reprieved.
		1 Stealing a gelding - - -	D°
	Suffolk - - -	1 Sheep stealing - - - -	D°
	Liberty of Bury -	1 Burglary - - - - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 Stealing a horse - - - -	D°
		21	
Summer - - -	Bucks - - -	1 Highway robbery - - -	Reprieved.
	Bedford - - -	1 Sheep stealing - - - -	D°
		1 D° - - - - - -	D°
		1 Housebreaking - - - -	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Summer 1774 - *continued.*	Cambridge - - -	1 Stealing goods and monies in a dwelling house, value £. 38. 18*s.* -	Reprieved.
	Suffolk - - -	1 - D° - value £. 42. 0*s.* 2*d.* -	D°
	Norfolk - - -	1 Burglary - - - - - -	D°
		1 Stealing a mare - - - -	D°
	City of Norwich	1 Stealing monies in a dwelling-house, value £. 11. 0*s.* 6*d.* - - -	Left for execution, but stayed, she being with quick child.
		9	
Lent 1775 - -	Bucks - - -	1 Robbing in a field near the highway	Reprieved.
		1 Burglary - - - - - -	D°
		1 Killing a sheep with intent to steal it	D°
		1 Sheep stealing - - - -	D°
		1 D° - - - - - - -	D°
	Bedford - - -	1 Highway robbery - - -	Left for execution.
		1 Housebreaking - - - -	Reprieved.
	Hunts - - -	1 Sheep stealing - - - -	D°
		1 D° - - - - - - -	D°
		1 D° - - - - - - -	D°
	Norfolk - - -	1 Burglary - - - - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 Being found at large before the term of transportation expired - -	Respited.
	Suffolk - - -	1 Horse stealing - - - -	Reprieved.
		1 Housebreaking - - - -	D°
	Liberty of Bury	1 Burglary - - - - -	D°
		17	
Summer - - -	Bucks - - -	1 Burglary with intent to steal goods	Reprieved.
	Bedford - - -	1 Sheep stealing - - - -	D°
	Cambridge - -	1 Burglary - - - - -	D°
		1 Murder - - - - -	Left for execution.
	Suffolk - - -	1 Burglary - - - - -	Reprieved.
		1 D° - - - - - -	D°
	Liberty of Bury	1 Stealing a gelding - - -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 Stealing a gelding - - -	D°
		1 D° - - - - - -	D°
	City of Norwich	1 Burglary - - - - -	D°
		11	
Lent 1776 - -	Bucks - - -	1 Burglary - - - - - -	Left for execution.
		1 Highway robbery - - -	Reprieved.
	Bedford - - -	1 Stealing a mare - - - -	D°
	Cambridgeshire -	1 Burglary - - - - -	D°
	Norfolk - - -	1 D° - - - - - -	D°
		1 Stealing a mare - - - -	D°
		1 D° - - - - - -	D°
		1 Killing a sheep with intent to steal it	D°
	Suffolk - - -	1 Stealing goods and monies in a dwelling-house, value £. 5. 19*s.* 5*d.*	D°
			D°
		1 Housebreaking - - - -	D°
		1 Burglary - - - - -	D°
	Liberty of Bury	1 Killing a lamb with intent to steal it	D°
		12	
Summer - - -	Cambridge - -	1 Stealing 2 geldings - - -	Re prieved.
	Suffolk - - -	1 Stealing 1 D° - - - -	D°
		1 Highway robbery - - -	D
	Norfolk - - -	1 Sheep stealing - - - -	D°
		1 Burglary - - - - -	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Summer 1776 - *continued.*	Norfolk - - -	1 Burglary - - - - - - -	Reprieved.
		1 Stealing monies in a dwelling-house	D°
		1 D° - - - - - - -	D°
	City of Norwich	1 Burglary - - - - - -	D°
		1 Highway robbery - - -	D°
		10	
Lent 1777 - - -	Bucks - - -	1 Stealing a mare - - - -	Reprieved.
	Bedford - - -	1 Stealing goods and monies privately from the person - - -	D°
	Hunts - - -	1 Highway robbery - - -	D°
	Cambridge - -	1 Burglary - - - - -	D°
	Norfolk - - -	1 D° - - - - -	Left for execution.
		1 Stealing a gelding - - -	Reprieved.
	Suffolk - - -	1 Burglary - - - - -	Left for execution.
		7	
Summer - - -	Bedford - - -	1 Burglary - - - - - -	Reprieved.
	Norfolk - - -	1 Being found at large before the term of transportation expired - -	Left for execution.
	City of Norwich	1 Stealing goods and monies in a dwelling-house, value £. 10. 4 *s.* -	Reprieved.
		3	
Lent 1778 - -	Bucks - - - -	1 Highway robbery - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 Sheep stealing - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
	Bedford - - -	1 D° - - - - - -	D°
		1 Stealing a gelding - - -	D°
	Hunts - - -	1 Sheep stealing - - - -	D°
	Norfolk - - -	1 Stealing heifers - - - -	D°
		1 Burglary - - - - -	D°
	Suffolk - - -	1 Housebreaking - - - -	D°
		1 Forgery - - - - -	Left for execution.
		12	
Summer - -	Bucks - - - -	1 Sheep stealing - - - -	Reprieved.
	Hunts - - - -	1 Highway robbery - - -	D°
		1 Burglary - - - - -	D°
	Liberty of Bury -	1 Stealing a mare - - - -	D°
		1 Returning from transportation before expiration of the term - -	D°
		5	
Lent 1779 - -	Bucks - - - -	1 Stealing a mare - - - -	Reprieved.
		1 Burglary - - - - -	Left for execution.
		1 D° - - - - -	D°
		1 D° - - - - - -	D°
		1 Sheep stealing - - -	Reprieved.
		1 Highway robbery - - -	D°
		1 Stealing a lamb - - - -	D°
		1 Sheep stealing - - - -	D°
		1 Stealing a gelding - - -	D°
	Bedford - - -	1 Sheep stealing - - - -	D°
	Hunts - - - -	1 Stealing goods in a dwelling-house, value £. 6. 10 *s.* - - -	D°
		1 Burglary - - - - -	D°
	Cambridge - -	1 Sheep stealing - - - -	Left for execution.

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1779 - - *continued.*	Cambridge - -	1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 D° - - - - - -	Left for execution.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Highway robbery - - -	D°
		1 Stealing a gelding - - -	Reprieved.
		1 Shooting at one Sebastian Daniel, in a wood - - - -	Left for execution.
		1 Stealing goods and monies, value £. 20. 4 *s.* in a dwelling-house -	Reprieved.
	Suffolk - - -	1 Burglary - - - - -	Left for execution.
		1 D° - - - - - -	D°
	Liberty of Bury -	1 D° - - - - - -	Reprieved.
		1 Stealing two lambs - - -	D°
		1 Stealing a gelding - - -	D°
		30	
Summer - - -	Hunts - - -	1 Stealing a mare - - - -	Reprieved.
	Cambridge - -	1 Sheep stealing - - - -	D°
	Suffolk - - -	1 Stealing two geldings - - -	D°
		3	
Lent 1780 - -	Bucks - - -	1 Sheep stealing - - - -	Reprieved.
		1 Housebreaking - - - -	D°
		1 D° - - - - - -	Execution respited.
	Bedford - - -	1 Burglary - - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Highway robbery - - -	D°
	Hunts - - -	1 Stealing monies in a dwelling-house, value 59 *s.* - - - -	D°
	Cambridge - -	1 Stealing a gelding - - -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 Stealing goods and monies, value £. 8. 19 *s.* 0¼ *d.* in a dwelling-house - - - - -	D°
		1 Stealing a mare - - -	D°
	Suffolk - - -	1 Burglary - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Stealing a mare - - - -	D°
		17	
Summer - - -	Bucks - - -	1 Highway robbery - - -	Reprieved.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
	Norfolk - - -	1 Stealing a gelding - - -	D°
		1 D° - - - - - -	D°
		1 Stealing two mares - - -	D°
		1 Stealing a cow - - - -	D°
	City of Norwich	1 Stealing a mare - - - -	D°
		1 D° - - - - - -	D°
		9	
Lent 1781 - -	Bucks - - -	1 Highway robbery - - -	Reprieved.
		1 D° - - - - - -	D°
		1 Breaking dwelling-house, and stealing goods of the value £.1. 15 *s.* 6*d.* -	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1781 - - - *continued.*	Bedford - - -	1 Highway robbery - - -	Execution respited.
		1 D° - - - - -	D°
		1 Forgery - - - - -	Left for execution.
		1 D° - - - - -	D°
		1 D° - - - - -	D°
	Norfolk - - -	1 Highway robbery - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 Stealing monies in a dwelling-house, value £. 33. 12*s.* - - -	Reprieved.
		1 Sheep stealing - - - -	D°
		14	
Summer - - -	Bucks - -	1 Highway robbery - - -	Reprieved.
	Hunts - - -	1 Stealing a gelding - - -	D°
	Cambridge - -	1 Burglary - - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 D° - - - - -	D°
	Suffolk - - -	1 Stealing a mare - - - -	D°
		1 Stealing goods and monies privately from the person - - -	D°
	Liberty of Bury -	1 Sheep stealing - - - -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 Highway robbery - - -	D°
		1 For a rape - - - -	Left for execution.
	City of Norwich	1 Stealing in a dwelling-house goods, value 54*s.* - - - -	Reprieved.
		1 Stealing a gelding - - -	D°
		13	
Lent 1782 - - -	Cambridge - -	1 Stealing a gelding - - -	Reprieved.
	Suffolk - - -	1 D° - - - - -	D°
	Liberty of Bury -	1 Stealing goods and monies, value £. 35. 14*s.* 6*d.* in a dwelling-house	D°
		1 Stealing goods, value £. 5. 13*s.* 6*d.* in a dwelling-house - - -	D°
		4	
Summer - - -	Bucks - - -	1 Sheep stealing - - - -	Reprieved.
	Bedford - - -	1 Stealing goods privately in a shop, of the value of 8*s.* - - -	D°
		1 D° - - - - -	D°
	Suffolk - - -	1 Stealing a gelding - - -	D°
	Norfolk - - -	1 Sheep stealing - - - -	D°
		1 D° - - - - -	D°
		6	
Lent 1783 - - -	Bucks - - -	1 Sheep stealing - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 Highway robbery - - -	D°
		1 Stealing a gelding - - -	Left for execution.
		1 D° - - - - -	D°
	Bedford - - -	1 Stealing three geldings - -	Reprieved.
		1 Stealing goods in a dwelling-house, value £.4 - - - -	D°
	Cambridge - -	1 Murder - - - - -	Left for execution.
	Norfolk - - -	1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 Highway robbery - - -	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1783 - - - *continued.*	Suffolk - - -	1 Sheep stealing - - - -	Left for execution.
		1 D° - - - - -	D°
		1 Highway robbery - - -	Reprieved.
		1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 Killing a sheep with intent to steal it	D°
	Liberty of Bury -	1 Feloniously shooting at William Maers in the King's highway -	Left for execution.
		1 Burglary - - - - -	Reprieved.
		1 Highway robbery - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		2 Killing two sheep with intent to steal the carcases - - -	D°
		1 Burglary - - - - -	Left for execution.
		2 Murder - - - - -	D°
		28	
Summer - - -	Bucks - - -	1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 Burglary - - - - -	Left for execution.
		1 D° - - - - -	D°
		1 D° - - - - -	D°
	Bedford - - -	1 Arson - - - - -	D°
		1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - -	D°
		1 Stealing a mare - - - -	D°
	Liberty of Bury -	1 Highway robbery - - - -	Reprieved and had free pardon.
		1 Housebreaking - - - -	Reprieved.
	Norfolk - - -	1 Sheep stealing - - - -	D°
		1 Highway robbery - - -	Left for execution.
		14	
Lent 1784 - - -	Bucks - - -	1 Stealing a gelding - - -	Reprieved.
		1 D° - - - - -	D°
		1 Sheep stealing - - - -	D°
		1 D° - - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 Burglary - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 Housebreaking - - - -	D°
	Bedford - - -	1 Stealing a mare - - - -	Reprieved.
		1 Highway robbery - - -	D°
		1 Returning from transportation before the term expired - - -	D°
	Hunts - - -	1 Sheep stealing - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
	Cambridge - -	1 Stealing goods, value 49*s.* in a dwelling house - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
	Norfolk - - -	1 Burglary - - - - -	Left for execution.
		1 Stealing goods, value £. 13. 4*s.* 6*d.* in a dwelling-house - - -	D°
		1 Stealing a gelding - - -	Reprieved.
		1 Stealing a mare - - - -	D°
		1 Burglary - - - - -	D°
	Suffolk - - -	1 Highway robbery - - -	D°
		1 Burglary - - - - -	Left for execution.
		1 D° - - - - -	D°
		1 D° - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 Housebreaking - - - -	D°
		1 Stealing a gelding - - -	D°
	Liberty of Bury -	1 Burglary - - - - -	D°
		1 Privately stealing goods, value £.10, in a shop - - - - -	D°
		30	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Summer 1784	Bucks	1 Highway robbery	Left for execution.
		1 D°	D°
		1 Housebreaking	Reprieved.
		1 Burglary	Left for execution.
		1 D°	Reprieved.
	Suffolk	1 D°	Left for execution.
		1 D°	D°
	Liberty of Bury	1 D°	D°
		1 D°	D°
		1 Stealing two cows	Reprieved.
	Norfolk	1 Stealing a mare	Left for execution.
		1 D°	Reprieved.
		1 Burglary	D°
		1 Stealing a gelding	D°
		1 D°	D°
		1 Highway robbery	Left for execution.
		1 Housebreaking	Reprieved.
		1 D°	Left for execution.
	City of Norwich	1 Burglary	Reprieved.
		1 D°	D°
		20	
Lent 1785	Bucks	1 Burglary	Left for execution.
		1 Housebreaking	D°
		1 Stealing a mare	Reprieved.
	Bedford	1 Sheep stealing	D°
		1 Stealing goods, value £. 5. in a dwelling-house	Left for execution.
	Hunts	1 Sheep stealing	Execution respited.
	Cambridge	1 Highway robbery	Left for execution.
		1 Burglary	D°
		1 Stealing monies, value 7 *s.* in a dwelling-house	Reprieved.
	Norfolk	1 Forgery	Left for execution.
		1 Highway robbery	D°
		1 Sheep stealing	Reprieved.
		1 D°	Left for execution.
		1 D°	Reprieved.
		1 Stealing a mare	D°
		1 Stealing goods and monies in a dwelling-house, value £. 3. 11 *s.* 9 *d.*	Left for execution.
		1 Convicted of wilful murder	D°
	Suffolk	1 Burglary	D°
		1 D°	D°
		1 Stealing a mare	Reprieved.
		1 D°	D°
		2 Convicted of wilful murder	Left for execution.
	Liberty of Bury	1 Housebreaking	D°
		24	
Summer	Bucks	1 Stealing a gelding	Respited.
	Cambridge	1 Burglary	Left for execution.
		1 Larceny in a dwelling-house	D°
	Suffolk	1 Stealing a cow	Reprieved.
		1 Housebreaking	D°
		1 Highway robbery	Left for execution.
		1 D°	D°
		1 D°	D°
	Norfolk	1 Burglary	D°
		1 D°	Reprieved.
		1 Stealing a mare	D°
		1 Stealing a mare	D°
		1 D°	Left for execution.
	City of Norwich	1 Stealing goods, value £. 12. 5 *s.* in a dwelling-house	D°
		1 Convicted of wilful murder	D°
		15	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1786	Bucks	1 Rape	Respited.
		1 Burglary	Reprieved.
		1 D°	Respited.
		1 Housebreaking	Reprieved.
		1 Stealing a mare	D°
	Bedford	1 Highway robbery	D°
	Norfolk	1 Burglary	Left for execution.
		1 D°	Reprieved.
		1 D°	D°
		1 Housebreaking	Respited.
		1 D°	Reprieved.
		2 D°	D°
		1 Stealing goods & monies, £. 16. 16*s.* 1*d.* in a dwelling-house	D°
		1 Sheep stealing	D°
		1 Stealing a mare	D°
		1 Convicted of wilful murder	Left for execution.
	Suffolk	1 Burglary	Respited.
		1 Stealing goods, value £. 4. 15*s.* in a dwelling-house	Left for execution.
		1 Stealing two cows	Reprieved.
		1 Sheep stealing	Left for execution.
		1 D°	Reprieved.
		1 Stealing a gelding	D°
		1 D°	D°
	Liberty of Bury	1 Sheep stealing	D°
		1 D°	D°
		26	
Summer	Bucks	1 Sheep stealing	Reprieved.
	Bedford	1 D°	D°
		1 Forgery	Left for execution.
	Hunts	1 Burglary	D°
		1 Convicted of wilful murder	D°
	Cambridge	1 D°	D°
	Suffolk	1 Stealing monies, value £. 18. 5*s.* in a dwelling-house	Reprieved.
		1 Sheep stealing	D°
		1 Arson	Respited.
	Norfolk	1 Stealing a gelding	Reprieved.
		1 D°	D°
		1 D°	Left for execution.
		1 Stealing a mare	D°
		1 Sheep stealing	Reprieved.
	City of Norwich	1 Burglary	D°
		15	
Lent 1787	Bucks	1 Highway robbery	Left for execution.
		1 D°	D°
		1 D°	D°
		1 Stealing a gelding	Reprieved.
		1 D°	D°
		1 Stealing a mare	D°
	Bedford	1 Highway robbery	Left for execution.
		1 D°	D°
		1 Housebreaking	Reprieved.
	Hunts	1 Sheep stealing	D°
	Cambridge	1 Highway robbery	D°
		1 D°	Left for execution.
		1 Housebreaking	Reprieved.
		1 Convicted of wilful murder	Left for execution.
	Norfolk	1 Highway robbery	D°
		1 Stealing a gelding	D°
		1 Stealing a cow	Reprieved.
		1 Burglary	D°
		1 Stealing monies, value £. 8. 12*s.* in a dwelling-house	D°
		1 Highway robbery	Left for execution.
		1 Stealing goods, value 6*s.* privately in a stable	Reprieved.

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1787 - - - *continued.*	Norfolk - - -	1 Sheep stealing - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 Burglary - - - - -	Left for execution.
		2 Convicted of wilful murder - -	D°
	Suffolk - - -	1 Arson - - - - -	D°
		1 Housebreaking - - - -	Reprieved.
		1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 Burglary - - - - -	D°
		1 Highway robbery - - -	Left for execution.
		1 D° - - - - -	D°
		1 Stealing a horse - - - -	Reprieved.
	Liberty of Bury -	1 Stealing a heifer - - - -	D°
		1 Sheep stealing - - - -	D°
		1 Stealing a mare - - - -	D°
		37	
Summer - - -	Bucks - - -	1 Highway robbery - - -	Left for execution.
		1 Housebreaking - - - -	D°
	Hunts - - -	1 Stealing a gelding - - -	D°
		1 Sheep stealing - - - -	D°
	Suffolk - - -	1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
	Norfolk - - -	1 Sheep stealing - - - -	Reprieved.
		1 Stealing a mare - - - -	D°
		1 Sheep stealing - - - -	D°
		1 Returning from transportation before the term expired - - -	D°
		1 D° - - - - -	Left for execution.
		1 Housebreaking - - - -	Reprieved.
	City of Norwich	1 Stealing goods and monies, value £. 3. 9*s.* 2*d.* in a dwelling-house -	D°
		1 - D° - value 43*s.* in d° - -	D°
		1 Highway robbery - - -	Left for execution.
		16	
Lent 1788 - - -	Bucks - - -	1 Stealing a gelding - - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
		1 Burglary - - - - -	Left for execution.
		1 Convicted of wilful murder - -	D°
	Bedford - - -	1 Burglary - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 Stealing a gelding - - -	Left for execution.
	Cambridge - -	1 Highway robbery - - -	D°
		1 Burglary - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 Housebreaking - - - -	Reprieved.
		1 Stealing a mare - - - -	D°
		1 D° - - - - -	D°
	Norfolk - - -	1 Stealing a gelding - - -	D°
		1 Stealing £. 6. 6*s.* in a dwelling-house	D°
		1 Highway robbery - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 Burglary - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 Returning from transportation before the term expired - - -	Reprieved.
		1 Stealing a mare - - - -	Left for execution.
		1 Stealing a gelding - - -	Reprieved.
		1 Highway robbery - - -	D°
		1 D° - - - - -	D°
		1 Convicted of wilful murder - -	Left for execution.
		1 D° - - - - -	D°
	Suffolk - - -	1 Housebreaking - - - -	Reprieved.
		1 Stealing a mare - - - -	D°
	Liberty of Bury -	1 Stealing a gelding - - -	D°
		1 Burglary - - - - -	D°
		1 Stealing goods in a dwelling-house, value £. 17. 5*s.* 2*d.* - - -	D°
		1 - D° - - - - -	D°
		33	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Summer - - -	Bucks - - -	1 Returning from transportation before the term expired - - -	Reprieved.
		1 Burglary - - - - -	D°
	Bedford - - -	1 Stealing a mare - - - -	D°
		1 D° - - - - -	D°
		1 Highway robbery - - -	D°
	City of Norwich	1 Burglary - - - - -	D°
		1 Larceny in a dwelling-house -	D°
		1 Convicted of wilful murder - -	Left for execution.
		8	
Lent 1789 - - -	Bucks - - -	1 Burglary - - - - -	Left for execution.
		1 D° - - - - -	D°
		1 Stealing a gelding - - -	Reprieved.
		1 Stealing three cows - - -	D°
		1 Returning from transportation before the term expired - - -	D°
	Bedford - - -	1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 Stealing a gelding - - -	D°
		1 Convicted of wilful murder - -	Left for execution.
	Hunts - - -	1 Highway robbery - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	D°
	Cambridge - -	1 Sheep stealing - - - -	D°
		1 Burglary - - - -	Left for execution.
		1 D° - - - - -	D°
	Norfolk - - -	1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 Housebreaking - - - -	Reprieved.
		1 Stealing a mare - - - -	D°
		1 D° - - - - -	D°
	Suffolk - - -	1 Returning from transportation before the term expired - - -	D°
		1 Stealing a mare - - - -	D°
	Liberty of Bury -	1 Larceny in a dwelling-house - -	Left for execution.
		25	
Summer - - -	Bedford - - -	1 Stealing a wether sheep - -	Reprieved.
	Cambridge - -	1 Burglary - - - - -	D°
	Suffolk - - -	1 Stealing a calf - - - -	D°
		1 Convicted of wilful murder - -	Left for execution.
	Norfolk - - -	1 Burglary - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 Stealing a mare - - - -	D°
		10	
Lent 1790 - - -	Bucks - - -	1 Sheep stealing - - - -	Reprieved.
		1 Highway robbery - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 D° - - - - -	D°
	Hunts - - -	1 Sheep stealing - - - -	Reprieved.
	Norfolk - - -	1 Highway robbery - - -	D°
		1 D° - - - - -	D°
		1 Stealing a mare - - - -	D°
		1 Burglary - - - - -	D°
		1 Housebreaking - - - -	D°
		1 Larceny in a dwelling-house - -	D°
		1 Burglary - - - - -	D°
		1 Highway robbery - - -	Left for execution.

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1790 - - *continued.*	Norfolk - - -	1 Convicted of wilful murder - -	Left for execution.
	Suffolk - - -	1 Housebreaking - - - -	Reprieved.
		1 Burglary - - - - -	D°
		1 Stealing a mare - - - -	D°
		1 Stealing a gelding - - -	Left for execution.
		1 Buggery - - - - -	D°
		1 D° - - - - -	D°
	Liberty of Bury	1 Stealing a mare - - - -	Reprieved.
		1 Highway robbery - - -	Left for execution.
		1 D° - - - - -	D°
		1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 Highway robbery - - -	D°
		1 D° - - - - -	D°
		1 Burglary - - - -	D°
		29	
Summer - - -	Bucks - - -	1 Burglary - - - - -	Reprieved.
	Hunts - - -	1 Highway robbery - - -	Left for execution, afterwards Repreived.
	Cambridge - -	1 Stealing a mare - - - -	Left for execution.
	Suffolk - - -	1 Burglary - - - - -	Reprieved.
		1 Stealing a mare - - - -	D°
	Norfolk - - -	1 D° - - - - -	D°
	City of Norwich	1 Privately stealing goods in a shop, value 20*s.* - - - -	D°
		1 D° - - - - -	D°
		1 Convicted of wilful murder - -	Left for execution.
		9	
Lent 1791 - -	Bucks - - -	1 Stealing a gelding - - -	Reprieved.
		1 Highway robbery - - -	Left for execution.
		1 Burglary - - - - -	Reprieved.
	Bedford - - -	1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 Sheep stealing - - - -	D°
	Hunts - - -	1 - D° - - - -	D°
		1 Stealing a mare - - - -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 Housebreaking - - - -	D°
		1 Sheep stealing - - - -	D°
		1 Stealing goods, value £. 5, out of a vessel - - - - -	D°
		1 Stealing linen from a bleaching ground - - - - -	Left for execution.
		1 Arson - - - - -	D°
	Suffolk - - -	1 Sheep stealing - - - -	Reprieved.
	Liberty of Bury	1 Felony, stealing a letter out of the post office - - - -	Left for execution.
		17	
Summer - - -	Bucks - - -	1 Burglary - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	D°
	Bedford - - -	1 Felony, maiming and wounding a gelding - - - - -	D°
		1 Burglary - - - - -	D°
		1 Stealing privately from the person, goods value 4*s.* - - -	D°
	Cambridge - -	1 Burglary - - - - -	Left for execution.
	Norfolk - -	1 D° - - - - -	D°
		1 Stealing a gelding - - -	D°
		1 D° - - - - -	Reprieved.
		1 Stealing linen from a bleaching ground - - - - -	D°
		11	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1792	Bucks	1 Stealing a gelding	Reprieved.
		1 Stealing a lamb	D°
	Bedford	1 Housebreaking	D°
		1 Stealing a mare	Left for execution.
		1 Killing a mare	Reprieved.
	Cambridge	1 Arson	D°
		1 D°	Left for execution.
		1 Coining money	D°
		1 Stealing a mare	Reprieved.
	Norfolk	1 Sheep stealing	D°
		1 Convicted of wilful murder	Left for execution.
	Suffolk	1 Stealing a mare	Reprieved.
		1 D°	D°
		1 Highway robbery	Left for execution.
	Liberty of Bury	1 Stealing a mare	Reprieved.
		1 Stealing goods and notes in a dwelling-house	D°
		1 Wilful murder	Left for execution.
		17	
Summer	Bucks	1 Highway robbery	Reprieved.
		1 Stealing a gelding	D°
	Bedford	1 Stealing a mare	D°
		1 D°	D°
		1 Stealing a lamb	D°
	Cambridge	1 Rape	Left for execution.
	Suffolk	1 Stealing goods and monies in a dwelling-house	Reprieved.
	Norfolk	1 Returning from transportation before the term expired	D°
		1 Stealing bullocks	D°
		9	
Lent 1793	Bucks	1 Stealing a mare	Reprieved.
	Bedford	1 Stealing goods and monies in a dwelling-house	D°
		1 Stealing a gelding	Left for execution.
	Norfolk	1 Burglary	Reprieved.
		1 Stealing a mare	D°
		1 Burglary	D°
		1 Stealing goods and monies in a dwelling-house	D°
		1 Stealing 3 bullocks	D°
	Suffolk	1 Stealing a gelding	D°
	Liberty of Bury	1 Burglary	D
		1 D°	D°
		11	
Summer	Bucks	1 Stealing goods and monies privately from the person	Reprieved.
		1 Wilful murder	Left for execution.
	Liberty of Bury	1 Sheep stealing	D°
		1 Burglary	Reprieved.
	Norfolk	1 Highway robbery	D°
	City of Norwich	1 D°	D°
		6	
Lent 1794	Bucks	1 Burglary	Reprieved.
		1 D°	D°
		1 Stealing a gelding	D°
		1 Stealing a cow	D°
	Bedford	1 Highway robbery	Left for execution.
		1 D°	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1794 - - *continued.*	Bedford - - -	1 Highway robbery - - -	Reprieved.
		1 Stealing a mare - - - -	D°
	Hunts - - -	1 Burglary - - - - -	D°
		1 Housebreaking - - - -	D°
	Norfolk - - -	1 Stealing monies in a dwelling-house, value £. 3. 17*s.* 6*d.* - - -	D°
		1 Stealing a gelding - - -	D°
		1 D° - - - - - -	D°
		1 Killing a horse foal - - -	D°
	Suffolk - - -	1 Housebreaking - - - -	D°
		1 Stealing a gelding - - -	D°
	Liberty of Bury -	1 Burglary - - - - -	D°
		1 Sheep stealing - - - -	D°
		1 Wilful murder - - - -	Left for execution.
		1 D° - - - - - -	D°
		20	
Summer - - -	Bucks - - -	1 Stealing a mare - - - -	Reprieved.
		1 Stealing letters out of a bag of letters sent by the post from High Wycomb to London - - -	Left for execution (afterwards reprieved.)
	Bedford - - -	1 Feloniously shooting at Henry Rose	Reprieved.
		1 Aiding and abetting to commit said felony - - - - -	D°
	Suffolk - - -	1 Stealing a gelding - - -	D°
		1 Stealing a cow - - - -	D°
		1 Housebreaking - - - -	Left for execution.
	Liberty of Bury -	1 Burglary - - - - -	D°
		1 Convicted of wilful murder - -	D°
	Norfolk - - -	1 Housebreaking - - - -	Reprieved.
		1 Sheep stealing - - - -	Left for execution.
		1 Stealing in a dwelling-house - -	Reprieved.
	City of Norwich -	1 Highway robbery - - -	Left for execution.
		13	
Lent 1795 - -	Bucks - - -	1 Sheep stealing - - - -	Left for execution.
		1 D° - - - - -	D°
	Hunts - - -	1 D° - - - - -	Reprieved.
	Norfolk - - -	1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 Highway robbery - - -	D°
		1 Sheep stealing - - - -	Left for execution.
		1 Wilful murder - - - -	D°
		1 D° - - - - -	D°
	Suffolk - - -	1 Sheep stealing - - - -	Reprieved.
		1 Returning from transportation before the term expired - - -	D°
	Liberty of Bury -	1 Stealing heifers - - - -	D°
		12	
Summer - - -	Bucks - - -	1 Burglary - - - - -	Left for execution.
		1 Highway robbery - - -	D°
		1 Burglary - - - - -	Reprieved.
	Bedford - - -	1 Sheep stealing - - - -	D°
	Suffolk - - -	1 Burglary - - - - -	Left for execution.
		1 Horse stealing - - - -	D°
		1 Burglary - - - - -	Reprieved.
	Norfolk - - -	1 Stealing a mare - - - -	D°
		1 Housebreaking - - - -	D°
		1 Stealing goods privately from the person, value 10*s.* - - -	D°
		1 Privately stealing goods from a shop, value 17*s.* - - -	D°
	City of Norwich	1 - D° - value £. 3 - -	Reprieved.
		12	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1796	Bucks	1 Burglary	Left for execution.
		1 Stealing a gelding	D°
		1 Rape	D°
		1 Sheep stealing	Reprieved.
	Bedford	1 Stealing oxen	D°
		1 Sheep stealing	D°
		1 Larceny in a dwelling-house	D°
		1 Housebreaking	Left for execution.
	Norfolk	3 Sheep stealing	Reprieved.
		1 Highway robbery	Left for execution.
		1 D°	Reprieved.
		1 D°	Left for execution.
		1 D°	D°
		1 Burglary	Reprieved.
		1 Horse stealing	D°
		1 Larceny in a dwelling-house	D°
	Suffolk	2 Stealing goods from a vessel upon a navigable river, value £. 3	D°
		1 Burglary	D°
	Liberty of Bury	1 Larceny in a dwelling-house	D°
		1 Burglary	D°
		1 D°	D°
		1 D°	D°
		1 Sheep stealing	D°
		1 D°	D°
		27	
Summer	Hunts	1 Horse stealing	Left for execution.
	Suffolk	1 Sheep stealing	Reprieved.
	Liberty of Bury	1 Highway robbery	Left for execution.
		1 D°	D°
	Norfolk	1 Larceny in a dwelling-house	Reprieved.
		1 Stealing goods and monies privately from the person, value £. 25	D°
		2 Highway robbery	D°
	City of Norwich	1 Larceny in a dwelling-house	D°
		1 Burglary	D°
		10	
Lent 1797	Bucks	1 Highway robbery	Reprieved.
		1 Sheep stealing	D°
	Bedford	1 Stealing a gelding	D°
		1 Sheep stealing	D°
	Norfolk	1 D°	D°
		1 D°	D°
		1 Burglary	D°
		1 Stealing heifers	Left for execution.
		1 Convicted of wilful murder	D°
	Suffolk	1 Sheep stealing	Reprieved.
		1 Housebreaking	D°
		1 Stealing a steer	D°
		1 Stealing a mare	Left for execution.
		1 Highway robbery	Reprieved.
	Liberty of Bury	1 Sheep stealing	D°
		15	
Summer	Suffolk	1 Larceny in a dwelling-house	Reprieved.
		1 Horse stealing	D°
	Liberty of Bury	1 Sheep stealing	D°
		1 Sodomy	Left for execution.
	Norfolk	1 Burglary	Reprieved.
		2 D°	Left for execution.
		1 Sheep stealing	Reprieved.
	City of Norwich	1 Burglary	D°
		1 Convicted of wilful murder	Left for execution.
		10	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1798	Bucks	1 Stealing three cows	Reprieved.
		1 D°	D°
		1 Sheep stealing	D°
	Cambridge	1 Housebreaking	D°
	Norfolk	1 Felony and forgery	Left for execution.
		1 Larceny in a dwelling house	Reprieved.
		1 Horse stealing	D°
		1 D°	D°
	Suffolk	1 Sheep stealing	D°
		1 Burglary	D°
		1 Robbery in a dwelling-house	D°
		1 Larceny in d°	D°
	Liberty of Bury	1 Highway robbery	D°
		13	
Summer	Bucks	1 Burglary	Left for execution.
		1 D°	Reprieved.
		1 D°	D°
	Bedford	1 D°	D°
		1 Stealing a mare	D°
	Norfolk	1 Horse stealing	D°
		6	
Lent 1799	Bucks	1 Highway robbery	Reprieved.
	Bedford	1 Horse stealing	D°
		2 D°	Left for execution.
	Hunts	1 Sheep stealing	Reprieved.
		1 Stealing a mare	D°
	Cambridge	1 Housebreaking	D°
	Suffolk	1 Larceny in a dwelling-house	D°
		1 Burglary	D°
	Norfolk	1 Highway robbery	Left for execution.
		1 D°	D°
		1 Sheep stealing	Reprieved.
		1 Rape	Left for execution.
		1 D°	D°
		1 Housebreaking	Reprieved.
		15	
Summer	Bedford	1 Privately stealing goods out of a stable	Reprieved.
	Hunts	1 D° in a shop	D°
		1 Stealing two steers	D°
	Cambridge	1 Larceny in a dwelling house	Left for execution.
	Norfolk	1 Highway robbery	Reprieved.
		1 Stealing a gelding	D°
		1 Sheep stealing	D°
		1 Burglary	D°
		8	
Lent 1800	Bucks	1 Larceny in a dwelling-house	Reprieved.
		1 D°	D°
		1 D°	D°
		1 Sheep stealing	D°
		1 Highway robbery	Left for execution.
		1 D°	D°
		1 D°	Reprieved.
	Bedford	1 Sheep stealing	D°
		1 Returning from transportation before the term expired	Left for execution.
		1 D°	Reprieved.
	Hunts	1 Horse stealing	D°
		1 D°	Left for execution.

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1800 - - - *continued.*	Cambridge - -	1 Burglary - - - - -	Reprieved.
	Norfolk - - -	1 Felony and forgery - - -	Left for execution.
		1 Highway robbery - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 Horse stealing - - - -	D°
		1 D° - - - - -	D°
	Suffolk - - -	1 Burglary - - - - -	D°
		1 Larceny in a dwelling-house -	D°
		1 Stealing a gelding - - -	Left for execution.
		1 Highway robbery - - -	Reprieved.
		1 Larceny in a dwelling house - -	D°
		1 D° - - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
	Liberty of Bury	1 D° - - - - -	Left for execution.
		27	
Summer - - -	Bucks - - -	1 Highway robbery - - -	Reprieved.
		1 D° - - - - -	Left for execution.
		1 D° - - - - -	D°
		1 D° - - - - -	Reprieved.
		1 Sheep stealing - - - -	D°
		1 D° - - - - -	D°
	Cambridge - -	1 D° - - - - -	D°
	Suffolk - - -	1 Burglary - - - - -	Left for execution.
		1 Returning from transportation before the term expired - -	Reprieved.
	Norfolk - - -	1 Rape - - - - - -	D°
		1 Sheep stealing - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 Highway robbery - - -	D°
		1 D° - - - - -	D°
		1 Horse stealing - - - -	D°
		1 Burglary - - - - -	D°
		17	
Lent 1801 - - -	Bucks - - -	1 Stealing a gelding - - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 Highway robbery - - -	Left for execution.
	Bedford - - -	1 Sheep stealing - - - -	Reprieved.
		1 Stealing a gelding - - -	D°
	Hunts - - -	1 D° - - - - -	Left for execution.
		1 D° - - - - -	D°
		1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 House-breaking - - - -	D°
	Cambridge - -	1 Burglary - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
	Norfolk - - -	1 D° - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 Felony and robbery - - -	D°
		1 Felony and robbery - - -	D°
		1 Stealing a cow and three heifers -	D°
	Suffolk - - -	1 Burglary - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 D° - - - - -	Left for execution.
		1 Privately stealing from person -	Reprieved.

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1801 - - *continued.*	Liberty of Bury -	1 Sheep stealing - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 Feloniously shooting at William Carter, on the King's highway -	D°
		1 Burglary - - - - -	D°
		1 Highway robbery - -	D°
		1 D° - - - - -	D°
		1 Stealing a mare - - - -	D°
		38	
Summer - - -	Bucks - - -	1 Sheep stealing - - - -	Reprieved.
	Bedford - - -	1 D° - - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Robbery in a dwelling-house - -	D°
		1 Burglary - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
	Hunts - - -	1 Horse stealing - - - -	D°
	Cambridge - -	1 Sheep stealing - - - -	D°
	Suffolk - - -	1 D° - - - - - -	D°
		1 Highway robbery - - -	Left for execution.
		1 Stealing a calf - - - -	Reprieved.
	Norfolk - - -	1 Burglary and horse stealing - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - -	D°
	City of Norwich	1 Larceny in a dwelling-house - -	D°
		17	
Lent 1802 - -	Bucks - - -	1 Housebreaking - - - - -	Reprieved.
		1 Larceny in a dwelling-house - -	D°
		1 Stealing two geldings - - -	D°
	Bedford - - -	1 Sheep stealing - - - -	D°
	Hunts - - -	1 Stealing a gelding - - -	Left for execution.
		1 Sheep stealing - - - -	D°
	Cambridge - -	1 Stealing a mare - - - -	Reprieved.
		1 Felony - - - - -	Left for execution.
		1 D° - - - - - -	D°
	Norfolk - - -	1 Stealing a cow - - - -	D°
		1 Felony and arson - - -	Reprieved.
		1 Sheep stealing - - - -	D°
		1 Burglary - - - - -	Reprieved.
		1 Stealing a mare - - - -	D°
		1 D° - - - - - -	Left for execution.
	Suffolk - - -	1 Burglary - - - - -	D°
		1 D° - - - - - -	D°
	Liberty of Bury -	1 Stealing a mare - - - -	Reprieved.
		18	
Summer - - -	Bucks - - -	1 Larceny in a dwelling-house - -	Reprieved.
		1 Burglary - - - - -	Execution respited.
	Hunts - - -	1 D° - - - - - -	Reprieved.
	Suffolk - - -	1 Highway robbery - - -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 Stealing two cows - - -	D°
		1 Stealing a gelding - - -	D°
		1 Stealing a mare - - - -	D°
		1 Sheep stealing - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		10	
Lent 1803 - -	Bucks - - -	1 Sheep stealing - - - -	Reprieved.
		1 Highway robbery - - -	D°
		1 D° - - - - - -	D°
		1 Burglary - - - - -	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1803 - - *continued.*	Bucks - - -	1 Housebreaking - - - -	Reprieved.
		1 Burglary - - - - -	D°
		1 Stealing a gelding - - -	Left for execution.
		1 Returning from transportation before the term expired - - -	Reprieved.
	Bedford - - -	1 Housebreaking - - - -	D°
		1 Sheep stealing - - - -	D°
	Norfolk - - -	1 Robbery - - - - -	Left for execution.
		1 Stealing a mare - - - -	Reprieved.
		1 Privately stealing in a shop, above the value of 5 *s.* - - -	D°
	Suffolk - - -	1 Horse stealing - - - -	D°
		2 Highway robbery - - -	D°
		1 Horse stealing - - - -	D°
		1 Housebreaking - - - -	D°
	Liberty of Bury -	1 Burglary - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		20	
Summer - - -	Bucks - - -	1 Being found at large before the term of transportation expired - -	Reprieved.
	Bedford - - -	1 Stealing a mare - - - -	D°
	Cambridge - -	1 Highway robbery - - -	Left for execution.
	Suffolk - - -	1 Stealing a mare - - - -	Reprieved.
		1 Burglary - - - - -	D°
		1 D° - - - - - -	D°
		1 Highway robbery - - -	D°
		1 D° - - - - - -	D°
	Liberty of Bury	1 Felony and arson - - -	Left for execution.
		1 Stealing a mare - - - -	Reprieved.
	Norfolk - - -	1 D° - - - - - -	D°
		11	
Lent 1804 - -	Bucks - - -	1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	Reprieved.
	Norfolk - - -	1 Burglary - - - - -	D°
		2 Stealing a mare - - - -	D°
	Suffolk - - -	1 Burglary - - - - -	Left for execution.
		1 Stealing a mare - - - -	Reprieved.
		1 Housebreaking - - - -	D°
		1 D° - - - - - -	D°
		8	
Summer - -	Bucks - - -	1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	Reprieved.
	Bedford - - -	1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	D°
	Hunts - - -	1 Burglary - - - - -	D
		1 D° - - - - - -	D°
		1 Stealing a mare - - - -	D°
		1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	D°
	Suffolk - - -	1 Stealing a cow - - - -	D°
		1 D° - - - - - -	D°
	Norfolk - - -	1 Stealing a gelding - - -	D°
	City of Norwich	1 Stealing privately in a shop, above the value of 5 *s.* - - -	D°
		10	
Lent 1805 - - -	Bucks - - -	1 Forgery - - - - - -	Reprieved.
		1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	Respited.
	Norfolk - - -	1 Being found at large before the term of transportation expired - -	Reprieved.

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1805 - - *continued.*	Norfolk - -	1 Stealing a gelding - - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 D° - - - - -	D°
		1 Maliciously shooting at John Worts	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		15	
Summer - - -	Bedford - - -	1 Sheep stealing - - - -	Reprieved.
	Hunts - - -	1 Felony and forgery - - -	Judgment respited, afterwards reprieved
		1 D° - - - - - -	D°
	Suffolk - - -	1 Stealing a gelding - - -	Reprieved.
		1 Sheep stealing - - - -	D°
		1 Stealing a gelding - - -	D°
		1 Rape on an infant - - -	Left for execution.
	Liberty of Bury	1 Stealing a mare - - - -	Reprieved.
	Norfolk - - -	1 Burglary - - - - -	D°
		1 Housebreaking - - - -	D°
	City of Norwich	1 Stealing a mare - - - -	D°
		11	
Lent 1806 - -	Bucks - - -	1 Stealing a gelding - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
	Bedford - - -	1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	D°
	Hunts - - -	1 Felony and sheep stealing - -	Left for execution.
	Norfolk - - -	1 Stealing a gelding - - -	Reprieved.
	Suffolk - - -	1 Highway robbery - - - -	D°
		1 D° - - - - - -	D°
		1 Horse stealing - - - -	Left for execution.
		1 Burglary - - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Shooting at Thomas Brooks - -	Left for execution.
	Liberty of Bury -	1 Forgery - - - - -	D° - afterwards reprieved.
		13	
Summer - - -	Bedford - - -	1 Stealing a gelding - - -	Reprieved.
		1 Sheep stealing - - - -	D°
	Suffolk - - -	1 Stealing a mare - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
	Liberty of Bury -	1 Burglary - - - - -	D°
		1 D° - - - - -	Left for execution.
		1 D° - - - - -	D°
		1 Stealing a mare - - - -	Reprieved.
		1 Stealing a lamb - - - -	D°
		1 - D° - - - - -	D°
	Norfolk - - -	1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	D°
		11	
Lent 1807 - -	Bucks - - -	1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - -	D°
		1 Stealing a mare - - - -	D°
	Bedford - - -	1 Housebreaking - - - -	D°
		1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1807 - - - *continued.*	Bedford - - -	1 Burglary - - - - -	Reprieved.
	Hunts - - - -	1 Sheep stealing - - - -	D°
	Cambridge - -	1 D° - - - - - -	D°
	Norfolk - - -	1 Stealing a mare - - - -	Left for execution.
	Suffolk - - -	1 D° - - - - - -	Reprieved.
	Liberty of Bury -	1 Forgery - - - - -	Left for execution.
		1 Sheep stealing - - - -	Reprieved.
		12	
Summer - - -	Bucks - - - -	1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	Reprieved.
	Bedford - - -	1 Housebreaking - - - -	D°
	Hunts - - - -	1 Stealing a gelding - - -	D°
		1 Sheep stealing - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
	Liberty of Bury -	1 Sheep stealing - - - -	D°
	Norfolk - - -	1 Convicted of wilful murder and petit treason - - - - -	Left for execution.
	City of Norwich	1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	Reprieved.
		8	
Lent 1808 - - -	Bucks - - - -	1 Sheep stealing - - - -	Reprieved.
	Bedford - - -	1 Burglary - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	Left for execution.
	Hunts - - - -	1 Highway robbery - - - -	Reprieved.
		1 Stealing a gelding - - -	D°
	Norfolk - - -	1 Felony and arson - - - -	Left for execution.
		3 Feloniously shooting - - -	Reprieved.
		1 Horse stealing - - - -	D°
	Suffolk - - - -	1 Burglary - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Housebreaking - - - -	D°
	Liberty of Bury -	1 Feloniously stabbing - - -	D°
		1 Sheep stealing - - - -	D°
		18	
Summer - - -	Bucks - - - -	1 Rape - - - - - - -	Reprieved.
		1 Stealing goods in a dwelling-house, above the value of 40 *s.* - -	D°
		1 Being at large before the term of transportation expired - -	D°
	Bedford - - -	1 Highway robbery - - - -	D°
	Hunts - - - -	2 Wilfully stabbing - - - -	Left for execution.
	Cambridge - -	1 Stealing a mare - - - -	Reprieved.
	Suffolk - - -	1 Burglary - - - - -	D°
	Norfolk - - -	1 Forgery - - - - -	D°
		1 Being found at large before the term of transportation expired - -	D°
	City of Norwich -	1 Burglary - - - - -	D°
		11	
Lent 1809 - -	Bucks - - - -	1 Stealing a mare - - - -	Reprieved.
		2 Housebreaking - - - -	D°
	Bedford - - -	1 D° - - - - - -	D°
	Hunts - - - -	1 Stealing a mare - - - -	D°
	Cambridge - -	1 Being at large before the term of transportation expired - -	D°
		1 Sheep stealing - - - -	D°
	Norfolk - - -	1 Stealing in a dwelling house, above the value of 40 *s.* - - -	D°
	Suffolk - - -	1 Stealing a heifer - - - -	D°
	Liberty of Bury -	1 Burglary - - - - -	D°
		1 Housebreaking - - - -	D°
		11	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Summer 1809	Cambridge	1 Housebreaking	Reprieved.
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
	Suffolk	1 Stealing two calves	Left for execution.
		1 Burglary	Reprieved.
		2 Convicted of wilful murder	Left for execution.
	Liberty of Bury	1 Sheep stealing	Reprieved.
	Norfolk	1 Housebreaking	D°
		8	
Lent 1810	Bucks	1 Forgery	Left for execution.
		1 D°	D° (since reprieved.)
		1 Sheep stealing	Reprieved.
		1 D°	D°
		1 Highway robbery	D°
		1 D°	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
	Hunts	1 Housebreaking	D°
	Cambridge	1 D°	D°
		1 Burglary	D°
	Norfolk	1 Stealing a gelding	D°
	Suffolk	1 D°	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
		1 Stealing a lamb	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
	Liberty of Bury	1 Highway robbery	Left for execution.
		1 D°	Reprieved.
		1 Stealing privately in a shop, above the value of 5*s.*	D°
		18	
Summer	Bucks	1 Sodomy	Left for execution (since reprieved.)
		1 Horse stealing	Reprieved.
		1 D°	D°
		1 Highway robbery	D°
		1 Burglary	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
	Suffolk	1 D° - D°	D°
	Norfolk	1 Sheep stealing	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
		9	
Lent 1811	Bucks	1 Sheep stealing	Reprieved.
		1 Highway robbery	D°
	Bedford	1 Burglary	D°
		1 D°	D°
		1 D°	D°
		1 Sheep stealing	D°
	Cambridge	1 Stealing in a dwelling-house, above the value of 40*s.*	D°
		1 Housebreaking	D°
	Norfolk	1 Felony and high treason	D°
		1 D°	D°
		1 Housebreaking	D°
		1 D°	D°
		1 Stealing six lambs	D°
		1 Stealing a mare	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1811 - - *continued.*	Suffolk - - - -	1 Sheep stealing - - - -	Reprieved.
		1 Stealing a gelding - - -	D°
		1 Stealing in a dwelling-house, above the value of 40*s.* - - -	D°
	Liberty of Bury	1 Sheep stealing - - - -	D°
		1 Stealing in a dwelling house, above the value of 40*s.* - - -	D°
		20	
Summer - - -	Hunts - - -	1 Stealing a mare - - - -	D°
	Suffolk - - -	1 Stealing in a dwelling-house, above the value of 40*s.* - - -	D°
		1 - D° - - - - -	D°
	Norfolk - - -	1 Stealing a gelding - - -	D°
		1 Stealing in a dwelling-house, above the value of 40*s.* - - -	D°
		1 Housebreaking - - - -	D°
	City of Norwich	1 Burglary - - - - -	D°
		7	
Lent 1812 - -	Bucks - - - -	1 Sheep stealing - - - -	Reprieved.
		1 Horse stealing - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
	Bedford - - -	1 Sheep stealing - - - -	D°
		1 Burglary - - - -	D°
		1 Stealing a mare - - -	D°
	Cambridge - -	1 Forgery - - - - -	Left for execution.
	Suffolk - - -	1 Stealing a gelding - - -	Reprieved.
		1 Felony and arson - - -	D°
		1 Burglary - - - - -	D°
		1 Rape - - - - -	Left for execution.
		3 Convicted of wilful murder - -	D°
	Liberty of Bury	1 Stealing a mare - - - -	Reprieved.
		1 Sheep stealing - - - -	D°
		1 D° - - - - -	D°
	Norfolk - - -	1 Burglary - - - - -	D°
		1 D° - - - - -	D°
		1 Stealing two steers - - -	D°
		1 Sheep stealing - - - -	D°
		21	
Summer - - -	Bucks - - - -	1 Stealing in a dwelling-house, above the value of 40*s.* - - -	Reprieved.
		1 Burglary - - - - -	Left for execution.
		1 D° - - - - -	Reprieved.
		1 Stealing in a shop, above the value of 5*s.* - - - - -	D°
	Cambridge - -	1 Sheep stealing - - - -	D°
		1 Maliciously killing a mare - -	Left for execution.
	Suffolk - - -	1 Burglary - - - - -	Reprieved.
		1 D° - - - - -	D°
		1 Stealing a gelding - - -	D°
		1 Stealing in a dwelling-house, above the value of 40*s.* - - -	D°
	Liberty of Bury	1 Sheep stealing - - - -	D°
		1 D° - - - - -	D°
		1 Burglary - - - - -	D°
		1 D° - - - - -	D°
	Norfolk - - -	1 Stealing a mare - - - -	D°
		1 Sheep stealing - - - -	D°
		1 Stealing in a dwelling-house, above the value of 40*s.* - - -	D°
	City of Norwich	1 Burglary - - - - -	D°
		18	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1813	Bucks	1 Highway robbery	Reprieved.
		1 D°	D°
		1 D°	D°
		1 Housebreaking	D°
		1 Stealing a mare	D°
	Bedford	1 Felony and sheep stealing	D°
	Hunts	1 Breaking prison	D°
		1 Sheep stealing	D°
	Cambridge	1 Stealing a mare	D°
		1 Housebreaking	D°
		1 Burglary	D°
		1 D°	D°
		1 D°	D°
		1 D°	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
	Norfolk	1 Burglary	Left for execution.
		1 D°	Reprieved.
		1 D°	Left for execution.
		1 D°	Reprieved.
		1 D°	D°
		1 Housebreaking	D°
	Suffolk	1 D°	D°
		1 Burglary	D
		1 D°	D
		1 For inciting another to commit burglary	D°
		1 D°	D°
		1 Horse stealing	D°
		1 Convicted of wilful murder	Left for execution.
	Liberty of Bury	1 Stealing a mare	Reprieved.
		1 Stealing two bullocks	D°
		1 D°	D°
		31	
Summer	Bucks	1 Sheep stealing	Reprieved.
		1 Burglary	D°
		1 Arson	Left for execution.
		1 Horse stealing	Reprieved.
	Bedford	1 Sheep stealing	D°
	Cambridge	1 Horse stealing	D°
	Suffolk	1 Stealing a mare	D°
		1 Sheep stealing	D°
		1 Sacrilege	D°
	Liberty of Bury	1 Housebreaking	D°
	Norfolk	1 Burglary	D°
		1 Stealing a gelding	D°
		1 Stealing naval stores	D°
	City of Norwich	1 High treason	D°
		14	
Lent 1814	Bucks	1 Sheep stealing	Reprieved.
		1 D°	D°
		1 D°	D°
		1 Highway robbery	D°
		1 D°	D°
		1 D°	D°
		1 Rape	Left for execution.
	Bedford	1 Burglary	Reprieved.
		1 Sheep stealing	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
	Hunts	1 Rape on infant	Left for execution.
		1 Stealing in a shop, above the value of 5*s.*	Reprieved.
		2 For inciting another to commit felony	D°
	Norfolk	1 Horse stealing	D°
		1 D°	D°
	Suffolk	2 Convicted of wilful murder	Left for execution.
		17	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Summer 1814	Bucks	1 Stealing in a dwelling-house, above the value of 40 *s.*	Reprieved.
	Bedford	1 Sheep stealing	D°
		1 D°	D°
	Cambridge	1 Arson	D°
	Suffolk	1 Stealing a mare	D°
	Liberty of Bury	1 Felony	Left for execution.
	Norfolk	1 Stealing a lamb	Reprieved.
		1 Housebreaking	D°
		1 Stealing in a dwelling-house, above the value of 40 *s.*	D°
		9	
Lent 1815	Bucks	1 Horse stealing	Reprieved.
	Bedford	1 Stealing in a shop, above the value of 5 *s.*	D°
		1 Highway robbery	D°
	Hunts	1 Burglary	D°
	Cambridge	1 Housebreaking	D°
	Norfolk	1 Burglary	D°
		1 Maliciously stabbing	D°
		1 Stealing in a dwelling-house, above the value of 40 *s.*	D°
		1 D° D°	D°
		1 Stealing a mare	D°
	Suffolk	1 D°	D°
		1 Sheep stealing	D°
		1 Convicted of wilful murder	Left for execution.
	Liberty of Bury	1 Stealing a lamb	Reprieved.
		14	
Summer	Bucks	1 Forgery	Left for execution.
		1 Horse stealing	Reprieved.
		1 Sheep stealing	D°
	Hunts	1 Housebreaking	D°
		1 D°	D°
	Cambridge	1 Stealing in a dwelling-house, above the value of 40 *s.*	D°
		1 Housebreaking	D°
	Suffolk	1 Convicted of wilful murder	Left for execution.
	Norfolk	1 Stealing in a dwelling-house, above the value of 40 *s.*	Reprieved.
		1 D° D°	D°
		1 Burglary	D°
		11	
Lent 1816	Bucks	1 Maliciously shooting	Reprieved.
		1 Burglary	D°
		1 Stealing a lamb	D
		1 D°	D
	Bedford	1 Robbery in a dwelling-house	Left for execution.
		1 Stealing a mare	Reprieved.
		1 Burglary	D°
		1 D°	D°
		1 Convicted of wilful murder	Left for execution.
	Hunts	1 Burglary	Reprieved.
	Cambridge	1 Housebreaking	D°
		1 Burglary	D°
	Norfolk	1 Forgery	Left for execution.
		1 Burglary	Reprieved.
		1 D°	D°
		1 D°	D°
		1 D°	D°
		1 Larceny in a dwelling-house	D°
		1 Housebreaking	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1816 - - - *continued.*	Norfolk - - -	1 Sheep stealing - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Stealing a mare - - - -	D°
	Suffolk - - - -	1 Horse stealing - - - -	D°
		1 Sheep stealing - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
	Liberty of Bury -	1 Stealing a gelding - - -	D°
		1 Burglary - - - - -	D°
		1 D° - - - - - -	D°
		1 Highway robbery - - - -	D°
		1 D° - - - - - -	D°
		1 Sheep stealing - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 D° - - - - - -	D°
		38	
Summer - - -	Bucks - - - -	1 Burglary - - - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 Inciting another to commit burglary	D°
		1 Sheep stealing - - - -	D°
		1 D° - - - - - -	D°
		1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	D°
		1 Arson - - - - -	D°
		1 Rape - - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 Burglary - - - - -	Left for execution.
		1 Wilful murder - - - -	D°
	Bedford - - -	1 Burglary - - - - -	Reprieved.
	Suffolk - - - -	1 Wilfully setting fire to a barn -	Left for execution.
	Liberty of Bury -	1 Feloniously putting away a forged and counterfeited Bank note -	Reprieved.
		1 - D° - - - - -	D°
		1 Wilfully setting fire to a barn -	D°
	Norfolk - - -	1 Robbery in a dwelling house - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Robbery from the person - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 D° - - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Robbery in a dwelling-house - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 D° - - - - - -	D°
		1 Housebreaking in the day-time, and stealing above the value of 5 *s.* -	D°
		1 - D° - - - D° - - -	D°
		1 Robbery in a dwelling-house - -	D°
		1 Sheep stealing - - - -	D°
		1 D° - - - - - -	Left for execution.
		1 D° - - - - - -	Reprieved.
		1 Stealing a mare - - - -	D°
		1 D° - - - - - -	D°
		1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	D°
		1 - D° - - - D° - - -	D°
	City of Norwich	1 Uttering a forged order for payment of money knowingly - - -	D°
		1 Burglary - - - - -	D°
		1 D° - - - - - -	D°
		1 Stealing in a dwelling-house, above the value of 40 *s.* - - -	D°
		43	

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1817	Bucks	1 Burglary	Reprieved.
		1 Sheep stealing	D°
		1 D°	D°
		1 D°	D°
		1 D°	D°
	Bedford	1 Burglary	D°
		1 D°	D°
		1 D°	D°
		1 Sheep stealing	D°
		1 Housebreaking	D°
	Hunts	1 Sheep stealing	D°
		1 Housebreaking	D°
	Cambridge	1 Burglary	D°
		1 D°	D°
		1 D°	D°
		1 D°	D°
		1 D°	D°
		1 D°	Left for execution.
		1 Housebreaking in the day-time	Reprieved.
		1 Horse stealing	D°
	Norfolk	6 Convicted of burglary	D°
		2 Sheep stealing	D°
		2 Highway robbery	Left for execution.
		1 D°	Reprieved.
		2 Housebreaking in the day-time	D°
		1 Horse stealing	D°
	Suffolk	1 Burglary	D°
		1 D°	D°
	Liberty of Bury	1 Sheep stealing	D°
		1 Burglary	D°
		1 D°	D°
		1 Highway robbery	D°
		40	
Summer	Bucks	1 Burglary	Reprieved.
		1 Sheep stealing	D°
		1 Stealing a lamb	D°
		1 Arson	D°
		2 Highway robbery	D°
		1 Sheep stealing	D°
		1 Housebreaking	D°
		1 Stealing two heifers	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
		1 D°	D°
		1 Stealing two cows	D°
	Bedford	1 Sheep stealing	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
		1 Rape	Left for execution.
	Suffolk	1 Housebreaking	Reprieved.
		1 Burglary	D°
		1 D°	D°
		1 Stealing a mare	D°
		1 Sheep stealing	D°
		1 Housebreaking	D°
	Liberty of Bury	1 Stealing a mare	D°
		1 Burglary	D°
		1 D°	D°
	Norfolk	1 Sheep stealing	D°
		1 D°	D°
		1 Burglary	D°
		1 Housebreaking	D°
		1 Burglary	D°
		1 D°	D°
		1 Sheep stealing	D°
		1 Horse stealing	D°
	City of Norwich	1 Burglary	D°
		1 D°	D°
		34	

An Account of the Number of Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.	CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Lent 1818	Bucks	1 Horse stealing	Reprieved.
		1 Sheep stealing	D°
		1 D°	D°
		1 Housebreaking	D°
		1 D°	D°
	Bedford	1 Horse stealing	D°
		1 Highway robbery	D°
	Cambridge	1 Stealing in a dwelling-house, above the value of 40*s.*	D°
		1 Highway robbery	D°
		1 D°	D°
		1 D°	D°
		1 D°	D°
	Norfolk	1 Housebreaking	D°
		1 D°	D°
		1 D°	D°
		1 Burglary	D°
		1 D°	D°
		1 D°	D°
		1 D°	D°
		1 Highway robbery	D°
		1 Horse stealing	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
		1 D°	D°
		1 Wilful murder	Left for execution.
	Suffolk	1 Burglary	Reprieved.
		1 D°	D°
		1 D°	D°
		1 D°	D°
		1 Horse stealing	D°
	Liberty of Bury	1 Stealing in a dwelling-house, above the value of 40*s.*	D°
		1 D°	D°
		1 D°	D°
		1 Burglary	D°
		1 Stealing a mare	D°
		34	
Summer	Bucks	1 Burglary	Reprieved.
		1 D°	D°
		1 D°	D°
		1 Stealing a lamb	D°
		1 Sheep stealing	D°
		1 Housebreaking	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°
	Bedford	1 Sheep stealing	D°
		1 Stealing a cow	D°
		1 Stealing in a dwelling-house, above the value of 40*s.*	D°

An Account of the several Persons who have been committed for Trial, &c.—*continued.*

YEAR.	COUNTY.		CRIMES of which CONVICTED.	Whether Reprieved, or left for Execution.
Summer 1818 - - *continued.*	Bedford - - -	1	Sheep stealing - - - - -	Reprieved.
	Hunts - - - - -	1	D° - - - - -	D°
		1	Stealing two lambs - - -	D°
	Cambridge - -	1	Housebreaking - - - -	D°
		1	Stealing in a shop, above the value of 5*s.* - - - - -	D°
		1	D° - - - - - -	D°
		1	Sheep stealing - - - -	D°
		1	Stealing a lamb - - - -	D°
	Suffolk - - - -	1	Stealing three heifers - - -	D°
		1	Housebreaking - - - -	D°
	Liberty of Bury -	1	Burglary - - - - -	Left for execution.
		1	D° - - - - - -	Reprieved.
	Norfolk - - -	1	Sheep stealing - - - -	D°
		1	D° - - - - -	D°
		1	Housebreaking - - - -	D°
	City of Norwich -	1	Burglary - - - - -	D°
		1	D° - - - - - -	D°
		1	D° - - - - - -	D°
		1	D° - - - - - -	D°
		1	D° - - - - - -	D°
		1	Highway robbery - - -	D°
		1	D° - - - - - -	D°
		32		

7th May 1819.

Harry Edgell,
Clerk of the Assizes for the Norfolk Circuit.

Appendix, No. 13.

In the COUNTY OF LANCASTER. - - - An ACCOUNT of the Number of COMMITMENTS,
Assizes 39th George III, to August

DATE.	1. Murder.			2. Rape.			3. Burglary.			4. Highway Robbery.			5. Sacrilege.			6. Horse Stealing.			7. Sodomy.			8. Coining.			9. Forging and Uttering Forged Bank-Notes.		
	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.
1798	7	–	–	–	–	–	2	2	–	2	2	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–
1799	5	1	1	–	–	–	–	–	–	3	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	1
1800	5	–	–	–	–	–	10	2	–	5	5	3	–	–	–	3	2	–	–	–	–	1	–	–	8	3	3
1801	3	–	–	–	–	–	14	7	6	17	7	3	–	–	–	2	2	1	–	–	–	–	–	–	18	7	5
1802	4	1	1	–	–	–	4	–	–	4	4	1	–	–	–	2	2	–	–	–	–	–	–	–	6	1	1
1803	3	–	–	–	–	–	10	9	5	3	2	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–
1804	6	–	–	–	–	–	8	5	2	2	1	1	–	–	–	1	–	–	–	–	–	–	–	–	8	7	5
1805	7	1	1	–	–	–	3	1	–	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–
1806	8	–	–	1	1	1	6	3	1	2	1	1	–	–	–	2	2	–	15	5	5	–	–	–	–	–	–
1807	8	–	–	1	–	–	2	–	–	5	3	3	–	–	–	1	1	–	–	–	–	–	–	–	8	4	1
1808	5	–	–	1	–	–	5	2	–	4	–	–	–	–	–	2	1	–	–	–	–	–	–	–	4	–	–
1809	12	–	–	1	–	–	3	–	–	1	1	–	–	–	–	1	1	–	–	–	–	–	–	–	27	13	13
1810	7	–	–	–	–	–	4	–	–	6	1	1	–	–	–	3	2	–	2	1	1	–	–	–	6	5	3
1811	8	–	–	1	–	–	4	3	2	1	1	–	–	–	–	3	1	–	–	–	–	–	–	–	1	1	1
1812	3	–	–	1	–	–	13	9	5	3	3	2	1	1	–	2	1	–	–	–	–	1	1	–	8	5	1
1813	3	–	–	1	–	–	10	5	–	9	7	6	–	–	–	4	4	–	–	–	–	1	1	–	10	4	2
1814	4	1	1	1	1	–	9	2	1	14	5	2	–	–	–	4	4	1	–	–	–	4	4	–	10	4	1
1815	4	–	–	–	–	–	11	8	3	8	5	1	2	2	–	9	8	1	–	–	–	–	–	–	6	–	–
1816	10	1	1	1	1	–	26	17	3	16	12	–	–	–	–	6	6	–	–	–	–	2	2	–	12	2	2
1817	11	6	6	1	–	–	25	22	1	22	17	7	1	1	–	2	2	–	–	–	–	1	–	–	12	10	5
1818	7	–	–	2	1	–	37	24	1	17	8	–	1	1	–	10	10	–	–	–	–	–	–	–	9	7	4
Total	130	11	11	12	4	1	206	121	30	146	86	31	5	5	–	58	50	3	17	6	6	10	8	–	156	75	48

Appendix, No. 13.

CONVICTIONS and EXECUTIONS of Persons charged with CAPITAL OFFENCES, from March Assizes 58th George III, both inclusive.

10. Forging and Uttering Forged Bills of Exchange and Promissory Notes, and Forging Indorsements thereon.			11. Croft Breaking.			12. Stealing in a Dwelling-house to the Value of 40*s.* and upwards.			13. Privately Stealing in a Shop, to the Value of 5*s.* and upwards.			14. Uttering Counterfeit Money, having been before Convicted as Common Utterers.			15. Maliciously Shooting and Stabbing, with Intent to Murder.			16. Cow and Calf Stealing.			17. Sheep and Lamb Stealing.		
Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.
1	–	–	6	4	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	4	3	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	6	3	–	1	1	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
4	2	2	7	7	1	2	1	–	–	–	–	–	–	–	–	–	–	2	2	–	7	3	–
3	–	–	4	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
4	1	1	–	–	–	1	1	–	1	–	–	–	–	–	–	–	–	–	–	–	1	1	1
2	2	–	–	–	–	1	1	–	2	2	–	–	–	–	–	–	–	–	–	–	–	–	–
4	2	–	2	1	–	1	–	–	1	–	–	–	–	–	2	–	–	1	1	–	–	–	–
8	5	2	4	2	–	4	2	1	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	4	2	–	6	–	–	–	–	–	1	–	–	–	–	–	–	–	–
2	–	–	1	1	–	1	1	1	5	4	–	–	–	–	3	2	–	–	–	–	–	–	–
2	–	–	3	3	–	3	3	–	–	–	–	–	–	–	1	–	–	–	–	–	7	–	–
–	–	–	1	1	–	3	3	–	1	–	–	–	–	–	5	4	1	3	3	–	2	–	–
3	2	–	So much of the Statute of			–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–
1	–	–	George II, which makes			–	–	–	–	–	–	–	–	–	3	1	1	2	2	–	–	–	–
1	1	–	this Offence Capital, is re-			9	2	–	–	–	–	1	1	–	1	–	–	–	–	–	2	1	–
2	–	–	pealed by the Act of 51st			8	2	–	2	1	–	2	2	–	3	1	–	1	1	–	–	–	–
–	–	–	George III, c. 39.			7	6	–	2	–	–	2	2	–	2	–	–	–	–	–	–	–	–
1	1	–	–	–	–	9	8	–	–	–	–	–	–	–	4	1	–	–	–	–	–	–	–
5	1	–	–	–	–	12	12	–	–	–	–	1	1	–	1	1	–	4	3	–	11	7	–
2	1	–	–	–	–	9	5	–	2	2	–	2	2	–	2	–	–	3	3	–	5	3	–
47	18	5	38	26	4	76	51	2	25	9	–	8	8	–	29	10	2	16	15	–	35	15	1

{continued on pages 226 & 227.

Appendix, No. 13—*continued.*

In the COUNTY OF LANCASTER. - - - An Account of the Persons charged with CAPITAL

continued from preceding pages.

DATE.	18. Forging and Uttering Certificates, and Personating Seamen, in order to obtain Prize Money.			19. Arson.			20. Being at large before the Term of Transportation expired.			21. Forging and Uttering Orders for Payment of Money.			22. Stealing Letters, containing Money, by Postmen.			23. Privately Stealing from the Person.			24. Seducing Soldiers from their Allegiance.		
	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.
1798	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1799	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1800	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1801	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	1	–	–	1	1	1
1802	–	–	–	1	1	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–
1803	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–	–	–	–	–
1804	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	1	–	–	–	–
1805	–	–	–	–	–	–	1	1	–	1	1	–	–	–	–	3	–	–	–	–	–
1806	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–	–	–	–	–
1807	–	–	–	–	–	–	3	2	–	–	–	–	–	–	–	–	–	–	–	–	–
1808	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	The Statute of Elizabeth, which makes this Offence Capital, is repealed by Statute 48 George III, c. 129.			–	–	–
1809	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–				–	–	–
1810	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–				–	–	–
1811	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–				–	–	–
1812	–	–	–	13	4	4	–	–	–	1	–	–	–	–	–				–	–	–
1813	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1814	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–
1815	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1816	1	1	–	–	–	–	2	2	–	–	–	–	–	–	–	–	–	–	–	–	–
1817	–	–	–	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1818	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
TOTAL	3	3	–	15	6	5	8	7	–	4	2	–	1	1	–	11	1	–	1	1	1

Appendix, No. 13—*continued.*

Number of COMMITMENTS, CONVICTIONS and EXECUTIONS of OFFENCES, &c.—*continued.*

25.			26.			27.			28.			29.			30.			3 .		
Forging and Uttering Instruments under Seal.			Mail Robbery.			Forging and Uttering Provincial Bankers Notes.			Stealing Naval Stores belonging to His Majesty, to the Value of 20*s.* and upwards.			Standing Mute on Arraignment.			Stealing in a Dwelling house, to the Value of 5*s.* and upwards, in the Day-time, no Person being therein.			Violently Ass and Stealing Bank-Note from the Person.		
Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.	Committed.	Convicted.	Executed.
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
3	2	1	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–	4	4	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	2	2	–	1	1	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	1	1	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
6	3	1	2	2	1	3	2	–	1	1	–	1	1	1	2	1	–	4	4	–

T. H. Shuttleworth,
Deputy Clerk of the Crown for Lancashire.

Appendix, No. 13.—*continued.*

THE AGGREGATE AMOUNT OF MALE AND FEMALE PERSONS, COMMITTED, CONVICTED, AND EXECUTED,

From 1798 to 1818, both inclusive.

CRIME.	Committed.			Convicted.			Executed.		
	Male.	Fem[l]	Total.	Male.	Fem[l]	Total.	Male.	Fem[l]	Total.
1. MURDER	86	44	130	10	1	11	10	1	11
2. RAPE	12	–	12	4	–	4	1	–	1
3. BURGLARY	189	17	206	116	5	121	30	–	30
4. HIGHWAY Robbery	135	11	146	81	5	86	31	–	31
5. SACRILEGE	4	1	5	4	1	5	–	–	–
6. HORSE Stealing	58	–	58	50	–	50	3	–	3
7. SODOMY	17	–	17	6	–	6	6	–	6
8. COINING	5	5	10	4	4	8	–	–	–
9. FORGERY, and Uttering Forged Bank-Notes	129	27	156	64	11	75	46	2	48
10. FORGING and Uttering Forged Bills of Exchange and Promissory Notes, and Forging Indorsements thereon	45	2	47	16	2	18	5	–	5
11. CROFT Breaking (capital Punishment taken away by 51st Geo. III, c. 39)	36	2	38	26	–	26	4	–	4
12. STEALING in a Dwelling-house, to the value of 40*s.* and upwards	57	19	76	42	9	51	1	1	2
13. PRIVATELY Stealing in a Shop, to the value of 5*s.* and upwards	4	21	25	2	7	9	–	–	–
14. UTTERING Counterfeit Money, having been before convicted as Common Utterers	3	5	8	3	5	8	–	–	–
15. MALICIOUSLY Shooting and Stabbing, with intent to Murder	29	–	29	10	–	10	2	–	2
16. COW and Calf Stealing	15	1	16	15	–	15	–	–	–
17. SHEEP and Lamb Stealing	35	–	35	15	–	15	1	–	1
18. FORGING and Uttering Certificates, and falsely Personating Seamen, in order to obtain Prize Money	3	–	3	3	–	3	–	–	–
19. ARSON	14	1	15	6	–	6	5	–	5
20. BEING at large before the Term of Transportation expired	7	1	8	6	1	7	–	–	–
21. FORGING and Uttering Orders for Payment of Money	4	–	4	2	–	2	–	–	–
22. STEALING Letters, containing Money, by Postmen	1	–	1	1	–	1	–	–	–
23. PRIVATELY Stealing from the Person (capital Punishment taken away by 48 Geo. III, c. 129)	9	2	11	1	–	1	–	–	–
24. SEDUCING Soldiers from their Allegiance	1	–	1	1	–	1	1	–	1
25. FORGING and Uttering Instruments under Seal	5	1	6	2	1	3	1	–	1
26. MAIL Robbery	2	–	2	2	–	2	1	–	1
27. FORGING and Uttering Provincial Bankers Notes	3	–	3	2	–	2	–	–	–
28. STEALING Naval Stores belonging to His Majesty, of the value of 20*s.* and upwards	1	–	1	1	–	1	–	–	–
29. STANDING Mute on Arraignment	1	–	1	1	–	1	1	–	1
30. STEALING in a Dwelling-house, to the value of 5*s.* and upwards, in the Day-time, no Person being therein	2	–	2	1	–	1	–	–	–
31. VIOLENTLY Assaulting, and Stealing Bank-Notes from the Person	1	3	4	1	3	4	–	–	–
TOTAL	913	163	1076	498	55	553	149	4	153

T. H. Shuttleworth,

Deputy Clerk of the Crown for Lancashire.

Appendix, No. 14.

COUNTY PALATINE OF LANCASTER. - - - AN ACCOUNT of the Number of CONVICTIONS and EXECUTIONS of Persons charged with CAPITAL OFFENCES, from 1798 to 1818, both inclusive.

	1.		2.		3.		4.		5.		6.		7.		8.		9.		10.		11.		12.	
DATE.	Murder.		Rape.		Burglary.		Highway Robbery.		Sacrilege.		Horse Stealing.		Sodomy.		Coining.		Forging and Uttering Forged Bank-Notes.		Forging and Uttering Forged Bills of Exchange and Promissory Notes, and Forging Indorsements thereon.		Croft Breaking.		Stealing in a Dwelling-house, to the value of 40 s. and upwards.	
	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
1798	–	–	–	–	2	–	2	–	–	–	–	–	–	–	–	–	1	–	–	–	4	2	–	–
1799	1	1	–	–	–	–	1	–	–	–	–	–	–	–	–	–	1	1	–	–	3	1	1	–
1800	–	–	–	–	2	–	5	3	–	–	2	–	–	–	–	–	3	3	–	–	3	–	1	–
1801	–	–	–	–	7	6	7	3	–	–	2	1	–	–	–	–	7	5	2	2	7	1	1	–
1802	1	1	–	–	–	–	4	1	–	–	2	–	–	–	–	–	1	1	–	–	1	–	–	–
1803	–	–	–	–	9	5	2	–	–	–	1	–	–	–	–	–	–	–	1	1	–	–	1	–
1804	–	–	–	–	5	2	1	1	–	–	–	–	–	–	–	–	7	5	2	–	–	–	1	–
1805	1	1	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–	1	–	–	–
1806	–	–	1	1	3	1	1	1	–	–	2	–	5	5	–	–	–	–	5	2	2	–	2	1
1807	–	–	–	–	–	–	3	3	–	–	1	–	–	–	–	–	4	1	–	–	–	–	2	–
1808	–	–	–	–	2	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	1	–	1	1
1809	–	–	–	–	–	–	1	–	–	–	1	–	–	–	–	–	13	13	–	–	3	–	3	–
1810	–	–	–	–	–	–	1	1	–	–	2	–	1	1	–	–	5	3	–	–	1	–	3	–
1811	–	–	–	–	3	2	1	–	–	–	1	–	–	–	–	–	1	1	2	–	–	–	–	–
1812	–	–	–	–	9	5	3	2	1	–	1	–	–	–	1	–	5	1	–	–	–	–	–	–
1813	–	–	–	–	5	–	7	6	–	–	4	–	–	–	1	–	4	2	1	–	–	–	2	–
1814	1	1	1	–	2	1	5	2	–	–	4	1	–	–	4	–	4	1	–	–	–	–	2	–
1815	–	–	–	–	8	3	5	1	2	–	8	1	–	–	–	–	–	–	–	–	–	–	6	–
1816	1	1	1	–	17	3	12	–	–	–	6	–	–	–	2	–	2	2	1	–	–	–	8	–
1817	6	6	–	–	22	1	17	7	1	–	2	–	–	–	–	–	10	5	1	–	–	–	12	–
1818	–	–	1	–	24	1	8	–	1	–	10	–	–	–	–	–	7	4	1	–	–	–	5	–
	11	11	4	1	121	30	86	31	5	–	50	3	6	6	8	–	75	48	18	5	26	4	51	2
Females	1	1	–	–	5	–	5	–	1	–	–	–	–	–	4	–	11	2	2	–	–	–	9	1
Males -	10	10	4	1	116	30	81	31	4	–	50	3	6	6	4	–	64	46	16	5	26	4	42	1

{continued on pages 230 & 231

Appendix, No. 14—*continued.*

County Palatine of LANCASTER. - - - An Account of the Number of CONVICTIONS and EXECUTIONS

continued from preceding page.

DATE.	13. Privately Stealing in a Shop, to the value of 5s. and upwards.		14. Uttering Counterfeit Money, having been before convicted as common Utterers.		15. Maliciously Shooting and Stabbing, with intent to Murder.		16. Cow and Calf Stealing.		17. Sheep and Lamb Stealing.		18. Forging and Uttering Certificates, and falsely Personating Seamen, in order to obtain Prize Money.		19. Arson.		20. Being at large before the Term of Transportation expired.		21. Forging and Uttering Orders for Payment of Money.		22. Stealing Letters, containing Money, by Postmen.	
	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
1798	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1799	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1800	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1801	–	–	–	–	–	–	2	–	3	–	–	–	–	–	–	–	–	–	1	–
1802	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	1	–	–	–
1803	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–
1804	2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1805	–	–	–	–	–	–	1	–	–	–	–	–	–	–	1	–	1	–	–	–
1806	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1807	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–	–	–	–	–
1808	4	–	–	–	2	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
1809	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1810	–	–	–	–	4	1	3	–	–	–	–	–	–	–	–	–	–	–	–	–
1811	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1812	–	–	–	–	1	1	2	–	–	–	–	–	4	4	–	–	–	–	–	–
1813	–	–	1	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–
1814	1	–	2	–	1	–	1	–	–	–	–	–	–	–	1	–	–	–	–	–
1815	–	–	2	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–
1816	–	–	–	–	1	–	–	–	–	–	1	–	–	–	2	–	–	–	–	–
1817	–	–	1	–	1	–	3	–	7	–	–	–	1	1	–	–	–	–	–	–
1818	2	–	2	–	–	–	3	–	3	–	1	–	–	–	–	–	–	–	–	–
	9	–	8	–	10	2	15	–	15	1	3	–	6	5	7	–	2	–	1	–
Females	7	–	5	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
Males	2	–	3	–	10	2	15	–	15	1	3	–	6	5	6	–	2	–	1	–

Lancaster Castle,
3d April 1819.

Appendix, No. 14—*continued.*

of Persons charged with CAPITAL OFFENCES, from 1793 to 1818, both inclusive,—*continued.*

23. Privately Stealing from the Person.		24. Seducing Soldiers from their Allegiance.		25. Forging and Uttering Instruments under Seal.		26. Mail Robbery.		27. Forging and Uttering Provincial Bankers Notes.		28. Stealing Naval Stores belonging to His Majesty, of the value of 20 *s.* and upwards.		29. Standing mute on Arraignment.		30. Stealing in a Dwelling-house in the day time, to the value of 5*s.* and upwards, no Person being therein.		31. Violently Assaulting, and Stealing Bank-Note from the Person.	
Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.	Convicted.	Executed.
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	1	1	1	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	2	1	1	1	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	4	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	2	–	1	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	1	1	3	1	2	1	2	–	1	–	1	1	1	–	4	–
–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	3	–
1	–	1	1	2	1	2	1	2	–	1	–	1	1	1	–	1	–

Tho. H. Higgins.

Appendix, No. 15.

IN THE COUNTY OF LANCASTER.

AN ACCOUNT of PERSONS ACQUITTED and CONVICTED of Stealing Property from BLEACHING CROFTS since LENT ASSIZES 38th Geo. III.

DATE.	NAME.	VERDICT.	SENTENCE.
August Assizes, 38 Geo. III.	John Eccles	Guilty	Executed.
	George Russell	D°	D°
	Alexander Hewitt	Acquitted.	
	Joseph Robinson	D°	
	Richard Threlfall	Guilty	Transp. for 14 years.
	George Partington	D°	Transp. for 7 years.
March Assizes, 39 Geo. III.	John M'Fullen	D°	Executed.
	Terence M'Fullen	D°	Transp. for 14 years.
	James Hindley	D°	D°
	Joseph Ardern	Acquitted.	
March Assizes, 40 Geo. III.	Joseph Williamson	D°	
August Assizes, 40 Geo. III.	Thomas Kershaw	Guilty	D°
	George Saxon	D°	D°
	Abraham Taylor	D°	D°
	Squire Cock	Acquitted.	
	Michael Whalan	D°	
March Assizes, 41 Geo. III.	Benjamin Hilton	Guilty	Transp. for 14 years.
August Assizes, 41 Geo. III.	Robert Wareing	D°	D°
	John Bell	D°	D°
	William Hardman	D°	D°
	Isaac Slater	D°	Executed.
	George Ashton	D°	Transp. for 14 years.
	Philip Porter	D°	D°
March Assizes, 42 Geo. III.	Peter Rigby	Acquitted.	
	Thomas Bibby	D°	
	John Bibby	D°	
August Assizes, 42 Geo. III.	James Dickenson	Guilty	D°
March Assizes, 45 Geo. III.	John Austin	D°	D°
August Assizes, 45 Geo. III.	Martha Eckersley	Acquitted.	
March Assizes, 46 Geo. III.	Thomas Lowndes	D°	
	Mary Hayes	D°	
August Assizes, 46 Geo. III.	John Needham	Guilty	Transp. for 14 years.
	John Barlow	D°	D°
March Assizes, 48 Geo. III.	William Bradley	D°	D°
March Assizes, 49 Geo. III.	Thomas Bailey	D°	D°
	James Finch	D°	D°
August Assizes, 49 Geo. III.	Isaac Howarth	D°	D°
September Assizes, 50 Geo. III.	James Barker	D°	D°

An Account of Persons Acquitted and Convicted of Stealing, &c.—*continued.*

DATE.	NAMES.	VERDICT.	SENTENCE.
March Assizes, 51 Geo. III. -	Richard Forrest - -	Guilty -	Transp. for 14 years.
	James Dagger - -	D° -	D°
September Assizes, 51 Geo. III.	Joseph Rawson - -	Acquitted.	
	Charles Schofield - -	Guilty -	Impris. for 2 years.
March Assizes, 52 Geo. III. -	Bella Janson - - -	D° -	Transp. for 14 years.
	Ann Lord - - -	D° -	D°
	William Rowbottom -	D° -	Impris. for 2 years.
March Assizes, 53 Geo. III. -	Thomas Bradbury - -	D° -	Transp. for life.
September Assizes, 53 Geo. III.	John Ashcroft - -	D° -	Transp. for 14 years.
	John Walker - - -	D° -	D°
	William Thompson - -	D° -	D°
	Benjamin Elston - -	D° -	D°
	John Grundy - - -	D° -	D°
	John Shorrock - -	D° -	D°
	James Proctor - -	D° -	D°
	John Kerfoot - - -	D° -	D°
	Thomas Stevenson - -	D° -	D°
	Robert Isherwood - -	D° -	D°
	Peggy Barrow - -	D° -	Transp. for 7 years.
	Thomas Phillips - -	D° -	D°
	Mary Melling - -	Acquitted.	
August Assizes, 54 Geo. III. -	Daniel M'Cullum - -	Guilty -	Transp. for 7 years.
March Assizes, 56 Geo. III. -	William Brindle - -	D° -	Transp. for life.
August Assizes, 56 Geo. III. -	John M'Gloghlin - -	D° -	Transp. for 14 years.
	Thomas Eckersley - -	D° -	Impris. for 1 year.
March Assizes, 57 Geo. III. -	Robert Ashworth - -	D° -	D°
August Assizes, 57 Geo. III. -	John Knowles - -	D° -	Impris. for 6 months.
August Assizes, 58 Geo. III. -	Henry Greenwood - -	D° -	Transp. for 14 years.
	John Haworth - -	D° -	D°

T. H. Shuttleworth,
Deputy Clerk of the Crown for Lancashire.

Appendix, No. 16. - - - -

LIST OF FELONIES AND MISDEMEANORS, FOR WHICH
THE CASTLE - -
From the Year 1803 to the Year 1817, both inclusive; with a Summary
Extracted from the Summary Accounts of

FELONIES AND MISDEMEANORS.

ALIEN.
ALIEN, without licence to be at large.
ARSON.
ARTIFICERS leaving the kingdom.
——— enticing to go abroad.

BANK NOTES, having forged ones in possession.
——— uttering forged bank notes.
BANKRUPTCY, not appearing to a commission.
BASTARD CHILD, concealing the birth of.
BASTARDY.
BIGAMY.
BILLS OF EXCHANGE, stealing them.
——— uttering them.
BURGLARY and Housebreaking.

CHILDREN, concealing the birth of.
COIN; uttering base coin.
COINING.
CONSPIRACY.
CUTTING and Maiming.

DESERTERS.

EMBEZZLING Money.
——— Property of Employers.
EXPORTING Machinery.

FELONS, harbouring.
FORGERY.
FURTHER Examination.

GAME, pursuing.
GUINEAS, selling.

HIGHWAY ROBBERY.
HORSE-STEALING.

LIBEL.
LUNATIC.

MAIL Robbery.
MANSLAUGHTER.
MURDER.

OATHS, administering unlawful ones.
OBTAINING Money or Goods under false Pretences.
OVERSEER refusing to deliver his Accounts of the Poor.

PERJURY.
PICKING Pockets.
POISONING a Cow.

RAPE.
RECEIVING Stolen Goods.
RETURNING from Transportation.
RIOTING.
ROBBING Post.
ROGUE and Vagabond.
RUN-AWAY Apprentices.

SACRILEGE.
SEDITION.
SEDUCING Soldiers.
SELLING Ale without Licence.
SENDING a Threatening Letter.
SHOP-LIFTING.
SOLDIERS again enlisting.
STEALING in a Warehouse.
STEALING Sheep.
STEALING Cows.
STEALING in Bleaching Grounds.
STEALING in Outhouses or Premises.
STEALING Wearing Apparel.
SURETIES, want of.

TIMBER, cutting down.
TREASON.

UNNATURAL Crimes.

Appendix, No. 16.

PERSONS HAVE BEEN COMMITTED TO HIS MAJESTY'S GAOL, OF LANCASTER,

Number of the COMMITMENTS, and of EXECUTIONS, in the same period:—those Years, laid before the Committee.

COMMITMENTS AND EXECUTIONS.

NUMBER OF PERSONS COMMITTED TO THE CASTLE OF LANCASTER, (including those from the Quarter Sessions at Preston, Ormskirk, Wigan, Liverpool, and Salford, whose Crimes cannot be ascertained).

In the Years	Males.	Females.
1803	136	24
1804	109	20
1805	92	24
1806	134	21
1807	125	30
1808	152	27
1809	159	30
1810	160	32
1811	155	26
1812	245	54
1813	210	60
1814	170	46
1815	211	48
1816	371	68
1817	487	84
Total	2,916	594

Sentenced for Death.

In the Years	M.	F.	of which Executed	M	F.
1803	12.	2.		7.	0.
1804	16.	4.	—	8.	0.
1805	8.	0.	—	1.	0.
1806	17.	2.	—	10.	1.
1807	9.	3.	—	4.	0.
1808	5.	6.	—	0.	1.
1809	18.	1.	—	13.	0.
1810	17.	2.	—	6.	0.
1811	9.	3.	—	3.	0.
1812	23.	4.	—	12.	1.
1813	25.	3.	—	8.	0.
1814	26.	4.	—	7.	0.
1815	28.	3.	—	5.	0.
1816	52.	3.	—	5.	1.
1817	76.	7.	—	19.	1.
Total	341.	47.	—	108.	5.

Appendix, No. 17.

COUNTY PALATINE OF LANCASTER. - - - A RETURN of the several PRISONERS showing the Nature of their CRIMES

CRIME.

NAMES.	Ages.	As charged on Commitment.	As charged in Indictment.
William Walwork	20	Burglary	Burglary
William Stephenson	18	Burglary	Stealing in a dwelling-house, to the value of 40 *s.* and upwards
Robert Reeves	18		
Francis Morgan	18	Burglary	Burglary
James Crawford	19		
William Allen	16	Horse stealing	Horse stealing
Joseph Thomas	16	Burglary	Burglary
Thomas Thomas	18		
Thomas Lawton	16	Burglary	Burglary
John Owens	16		
Edmund Kelly	16	Highway robbery	Highway robbery
Edward Butler	19		
Henry Entwisle	56	Uttering forged Bank of England notes, knowing them to be forged	Feloniously disposing of and putting away forged Bank of England notes, knowing the same to be forged
James Grime the elder	60		
John Kay	55		
John Clarke	26		
John Horseman Drake	32		
Charles Bridge	49	Uttering base money, knowing the same to be base, having been twice before convicted as a common utterer of base coin	Feloniously uttering counterfeit money, having been before convicted as a common utterer of counterfeit money
Thomas Spence	40	Horse stealing	Horse stealing
William Dunbobbin	20	Highway robbery	Highway robbery
George Goodfellow	26	Horse stealing	Horse stealing
James Crawshaw	21	Burglary	Burglary
John White	20	Highway robbery	Highway robbery
James Devine, otherwise James Miller	19	Burglary	Burglary
William Smith	17	Highway robbery, also burglary	Highway robbery, also burglary
Thomas Williamson	18	Burglary	Burglary
Samuel Jones	16		
John Buckley	48		
John Smith	30		
Henry Perry	40		
John Tattersall	40	Maliciously firing a gun loaden with powder and pellets at William Watson, Holland Watson, and Edward Scholes, and lodging the contents of the said gun in the head of the said William Watson, and in the head and back of the said Edward Scholes	Wilfully, maliciously, and unlawfully shooting at the prosecutors, with intent thereby to murder, also to maim and disable, and also to do them some grievous bodily harm
William Sadler	49	Burglary	Burglary
William Yates	34		
Thomas Roberts	42		
George Cooper	49	Burglary	Stealing in a dwelling-house, to the value of 40 *s.* and upwards
John Walker	35	Burglary	Burglary
Thomas Rawsthorne	22		
John Nield	24	Horse stealing	Horse stealing
John Howarth	20		
William Pate	46	Burglary	Burglary
Joseph Wilkinson	39		
John Berry	21		
William Lewis	49		
Henry Moncrieffe	22	Rape	Rape

Appendix, No. 17.

COMMITTED for TRIAL at the ASSIZES held at LANCASTER in the Month of March 1819, and the Result of their COMMITMENT.

CRIME.	RESULT OF COMMITMENT.		
As by Verdict of Jury.	SENTENCE.	If discharged without Trial, and from what Cause.	REMARKS.
Burglary	To be hanged		Reprieved.
Stealing in a dwelling-house, to the value of 40 *s.* and upwards	To be severally hanged.		Reprieved.
Burglary	To be severally hanged		Reprieved.
Horse stealing	To be hanged		Reprieved.
Stealing in a dwelling-house, to the value of 40 *s.* and upwards	To be severally hanged		Reprieved.
Burglary	To be severally hanged		Reprieved.
Highway robbery	To be severally hanged		Reprieved.
Feloniously disposing of and putting away forged Bank of England notes, knowing the same to be forged	To be severally hanged		Entwisle hanged accordingly on Saturday the 17th April instant. Grime reprieved. Kay, Clarke and Drake severally hanged accordingly on Saturday the 17th April inst.
Feloniously uttering counterfeit money, having been before convicted as a common utterer of counterfeit money	To be hanged		Reprieved.
Horse stealing	To be hanged		Reprieved.
Highway robbery	To be hanged		Reprieved.
Horse stealing	To be hanged		Reprieved.
Burglary	To be hanged		Reprieved.
Highway robbery	To be hanged		Reprieved.
Burglary	To be hanged		Reprieved.
Highway robbery, also burglary	To be hanged		Hanged accordingly on Saturday the 17th April instant.
Burglary	To be severally hanged		Reprieved.
Wilfully, maliciously, and unlawfully shooting at the prosecutors, with intent thereby to do them some grievous bodily harm	To be hanged		Reprieved.
Burglary	To be severally hanged		Reprieved.
Stealing in a dwelling-house, to the value of 40 *s.* and upwards	To be hanged		Reprieved.
Burglary	To be severally hanged		Reprieved.
Horse stealing	To be severally hanged		Reprieved.
Burglary	To be severally hanged		Reprieved.
Rape	To be hanged		Hanged accordingly on Saturday the 17th April instant.

Appendix, No. 17—*continued.*

COUNTY PALATINE OF LANCASTER. - - - A RETURN of the several PRISONERS

CRIME.

NAMES.	Ages.	As charged on Commitment.	As charged in Indictment.
John Golding	44	Uttering forged Bank of England notes, knowing them to be forged	Feloniously having in their possession, without lawful excuse, forged Bank of England notes, knowing them to be forged
James Grime the younger	22		
Solomon Mather	29		
William Entwisle	26		
Ellen Barrett	45		
Patrick M'Cormick	27		
Mary M'Cormick	19		
Peter Howcroft	37	Having in his possession, without lawful excuse, forged Bank of England notes, knowing them to be forged	Feloniously having in his possession, without lawful excuse, forged Bank of England notes, knowing them to be forged
James Twist	22	Grand larceny	Grand larceny
William Morris	20	Grand larceny	Grand larceny
John Sill	40	Stealing in a dwelling-house, to the value of 40*s.* and upwards	Burglary
Benjamin Heaps	33		
Anthony Lea	38	The like	Stealing in a dwelling-house, to the value of 40*s.* and upwards
Abram Barrow the elder	58	Grand larceny	Grand larceny
Abram Barrow the younger	30		
John Barrow	42		
James Barrow	49		
Roger Eckersley, otherwise Roger M'Cannister	22		
Robert Taylor	23		
William Folds	40	Burglary	Grand larceny
Mary Thomas	55	Receiving stolen goods, knowing them to be stolen	Feloniously receiving stolen goods, knowing them to be stolen
Ellen Carr	28		
Joseph Smith	27		
Miles Blundell	14	Manslaughter	Manslaughter
James Hartley	52	Manslaughter	Manslaughter
Mary Lilley	23	Bigamy	Bigamy
Joseph Taylor	21		
James Watson	—	Conspiring and confederating with divers other persons, in order to raise wages at Blackburn	A true bill of indictment having been found against him for a conspiracy and a riot, and he having traversed such indictment, and declined to take his trial at these assizes
Ellen Stuttard	38	Rioting with divers other persons at Burnley	Rioting with divers other persons at Burnley, and assaulting a constable in the execution of his office
Daniel Murray	27	Manslaughter	Manslaughter
Thomas Exton	63	Uttering forged Bank of England notes, knowing the same to be forged	Feloniously having in their possession, without lawful excuse, forged Bank of England notes, knowing them to be forged
Catherine Kelly	35	Having in possession, without lawful excuse, forged Bank of England notes, knowing them to be forged	
William Gilligan	34	Putting off counterfeit money at a lower rate and value than the same did by its denomination import	Feloniously putting off counterfeit money at a lower rate and value than the same did by its denomination import
Henry Bryden	36		
James Bracken	75	Uttering counterfeit silver money, knowing the same to be counterfeit	Uttering counterfeit money, knowing the same to be counterfeit
Margaret Bracken	53		
John Welch	17	Burglary	Burglary
Ann Hibbert	27	Burglary	Feloniously receiving stolen goods, knowing them to be stolen

Appendix, No. 17—*continued.*

COMMITTED for TRIAL at the ASSIZES held at LANCASTER in the Month of March 1819, &c.—*continued.*

CRIME.	RESULT OF COMMITMENT.		
As by Verdict of Jury.	SENTENCE.	If Discharged without Trial, and from what Cause.	REMARKS.
Pleaded guilty to indictments found against them, for feloniously having in their possession, without lawful excuse, forged Bank of England notes, knowing them to be forged	To be severally transported to some parts beyond the seas, for the term of fourteen years.	—	—
Found guilty of the like offence.			
Pleaded guilty to an indictment found against him for grand larceny	To be transported to some parts beyond the seas, for the term of seven years.	—	—
Grand larceny	To be severally transported to some parts beyond the seas, for the term of seven years.	—	—
Grand larceny	To be imprisoned in gaol for the term of three months.	—	—
Feloniously receiving stolen goods, knowing them to be stolen	To be severally transported to some parts beyond the seas, for the term of fourteen years	—	—
Manslaughter	Fined one shilling and discharged.	—	—
Manslaughter	Fined one shilling, and to be imprisoned in gaol for three calendar months.	—	To remain in custody until he he shall enter into recognizance, himself in £. 50, and two sureties in £. 25 each, to appear at the next assizes, and then prosecute his traverse with effect, six days notice of the names and places of abode of such sureties being previously given to Mr. Tho' Carr of Blackburn, the solicitor for the prosecution.
Bigamy	To be severally imprisoned in gaol for one month.	—	
- - - - - - - - -	- - - - - - - - -	- - -	
Pleaded guilty to an indictment for a riot at Burnley, and an assault upon a constable in the execution of his office, and having entered into a recognizance in £. 20 to appear to receive judgment on the said indictment when called upon	To be discharged.	—	
Not guilty.	—	—	—
Not guilty.	—	—	—
Not guilty.	—	—	—
Not guilty.	—	—	—
Not guilty.	—	—	—

Appendix, No. 17—*continued.*

COUNTY PALATINE OF LANCASTER. - - - A RETURN of the several PRISONERS

CRIME.

NAMES.	Ages.	As charged on Commitment.	As charged in Indictment.
Robert Johnson	21	Highway robbery	Highway robbery
Robert Williams	20		
John Carter	19		
Isaac Williamson	15		
John Molloy	18	Burglary	Burglary
William Barker	19		
William Fox	17		
Joseph Owen	30	Manslaughter	Manslaughter
Margaret Martin	38		
Henry Ridings	20		
John Hinde	30	Forging a certain bond, with intent to defraud one Richard Ball	Feloniously forging a certain bond, with intent to defraud the prosecutors
Benjamin Williamson	46	Manslaughter	Manslaughter
Mary Williamson	59		
Martha Williamson	23		
Wilkinson Simpson	27	Conspiring with divers other persons, for the purpose of augmenting the price of labour in the art and occupation of a cotton weaver	Conspiring and confederating with divers other persons, for the purpose of raising wages, and also stealing a shuttle
James Urmston	32	Murder	Murder
Mary Bell	36		
John Newell	23	Horse stealing	- - - - - - - -
Hugh Seed	33		
John Kirby	30		
Ann Paine	20	Receiving stolen goods, knowing them to be stolen	- - - - - - -
George Carmes	14	Burglary	- - - - - - -
Lewis Thomas	59	Receiving stolen goods, knowing them to be stolen	- - - - - - -
Michael Clancey	16	Uttering forged Bank of England notes, knowing them to be forged	- - - - - - -
James Pilling	48		
James Graham	33	Bigamy	- - - - - - -
William Spencer	31	Maliciously levelling a loaded gun, and when so levelled, attempting to discharge the same at the person of James Lord, with intent to murder or maim him	- - - - - - -
John Kenyon	58	Conspiring with divers other persons, for the purpose of augmenting the price of labour in the art and occupation of a cotton weaver	- - - - - - -
Stephen Harbor	41	Stealing in a dwelling-house, to the value of 40*s.* and upwards	- - - - - - -
John Goulden	17	Highway robbery	- - - - - - -
Henry Glover	38	Grand larceny	- - - - - - -

Preston,
19 April 1819.

Appendix, No. 17—*continued.*

COMMITTED for TRIAL at the ASSIZES held at LANCASTER in the Month of March 1819, &c.—*continued.*

CRIME.	RESULT OF COMMITMENT.		
As by Verdict of Jury.	SENTENCE.	If Discharged without Trial, and from what Cause.	REMARKS.
Not guilty.	—	—	—
Not guilty.	—	—	—
Not guilty.	—	—	—
Not guilty.	—	—	—
Not guilty.	—	—	—
Not guilty.	—	—	—
Not guilty.	—	—	—
- - - - - - - -	- - - - - -	No bill.	—
- - - - - - - -	- - - - - -	No bill.	—
- - - - - - - -	- - - - - -	No prosecution.	—
- - - - - - - -	- - - - - -	No prosecution.	—
- - - - - - - -	- - - - - -	No prosecution.	—
- - - - - - - -	- - - - - -	No prosecution.	—
- - - - - - - -	- - - - - -	No prosecution.	—
- - - - - - - -	- - - - - -	No prosecution.	—
- - - - - - - -	- - - - - -	No prosecution.	—
- - - - - - - -	- - - - - -	No prosecution.	—
- - - - - - - -	- - - - - -	No prosecution.	—

T. H. Skuttleworth,

Deputy Clerk of the Crown for Lancashire.

Appendix, No. 18.

FURTHER EXTRACTS from Records and Indictments in the CROWN OFFICE at Durham, relating to Prosecutions for Capital Offences in the County of Durham.

THE Records are wanting from 1738 to 1754, both inclusive (excepting in Traverses for Misdemeanors.)—The Indictments are also wanting from 1738 to 1745, but the Results of the Prosecutions are not marked upon the Indictment from 1745.

OFFENCES.	Gross Number.	Capitally convicted.	Convicted of lesser Offences.	Acquitted.	Executed.	Reprieved.
1755:						
BREAKING a Dwelling-house in the Day-time (no person being therein), and Stealing to the Value of 5*s*. -	2	–	1	1	–	–
Burglary - - - - - - -	1	–	–	1	–	–
Stealing in a Dwelling-house, to the Value of 40*s*. - - - - -	1	–	–	1	–	–
1756:						
Breaking a Dwelling-house in the Day-time (no person being therein), and Stealing to the Value of 5*s*. - -	1	–	–	1	–	–
Sheep Stealing - - - - - -	2	–	–	2	–	–
1757:						
Murder - - - - - - -	2	1	–	1	1	–
Burglary - - - - - - -	1	–	–	1	–	–
Destroying Timber Trees. *See* Stat. 6 Geo. 3, c. 36 & 48 - - - -	1	–	–	1	–	–
Horse Stealing - - - - - -	2	1	–	1	–	1
Sheep Stealing - - - - - -	3	3	–	–	–	3
1758:						
Murder - - - - - - -	1	–	1	–	–	–
Sheep Stealing - - - - - -	2	–	–	2	–	–
Stealing in a Dwelling-house, to the Value of 40*s*. - - - - -	2	1	1	–	–	1
1759:						
Murder - - - - - - -	2	–	–	2	–	–
Sheep Stealing - - - - - -	1	–	–	1	–	–
Stealing in a Dwelling-house, to the Value of 40*s*. - - - - -	1	–	1	–	–	–
1760:						
Murder - - - - - - -	1	–	–	1	–	–
Forgery - - - - - - -	1	1	–	–	–	1
1761:						
Murder - - - - - - -	1	–	–	1	–	–
1762:						
Murder - - - - - - -	3	1	1	1	1	–
Arson - - - - - - -	1	–	–	1	–	–
Highway Robbery - - - - -	2	1	–	1	–	1
Horse Stealing - - - - - -	1	–	–	1	–	–
1763:						
Murder - - - - - - -	1	1	–	–	1	–
Highway Robbery - - - - -	5	–	1	4	–	–
Rape - - - - - - -	4	–	–	4	–	–

Appendix, No. 18—Convictions, &c. County of Durham, 1755 to 1779—*continued.*

OFFENCES.	Gross Number.	Capitally Convicted.	Convicted of lesser Offences.	Acquitted.	Executed.	Reprieved.
1764:						
Stealing privately in a Shop, to the Value of 5*s.*	1	–	–	1	–	–
Murder	3	–	–	3	–	–
1765:						
Murder	1	–	–	1	–	–
Burglary	1	–	1	–	–	–
Sheep Stealing	1	–	–	1	–	–
Stealing privately from the Person, to above the Value of 12*d.* (*Repealed*, 48 *Geo. III.*)	2	–	2	–	–	–
Stealing in a Dwelling-house, to the Value of 40*s.*	3	–	2	1	–	–
1766:						
Arson	1	–	–	1	–	–
Being at large before the expiration of the Term for which she had been sentenced to be Transported	1	1	–	–	–	1
Breaking a Dwelling-house in the Day-time (no person being therein), and Stealing to the Value of 5*s.*	3	–	3	–	–	–
Stealing in a Dwelling-house, to the Value of 40*s.*	1	–	–	1	–	–
1767:						
Petty Treason, Murdering a Husband (acquitted in consequence of insanity)	1	–	–	1	–	–
Murder	5	–	2	3	–	–
Breaking a Dwelling-house in the Day-time (no person being therein), and Stealing to the Value of 5*s.*	1	–	–	1	–	–
Sheep Stealing	2	–	–	2	–	–
Stealing privately from the Person, &c.	1	–	–	1	–	–
1768:						
Breaking a Dwelling-house in the Day-time, &c.	1	–	1	–	–	–
Highway Robbery	3	2	–	1	–	2
Horse Stealing	1	–	–	1	–	–
Sheep Stealing	1	1	–	–	–	1
Stealing in Dwelling-houses, putting Persons therein in bodily Fear	3	–	1	2	–	–
Stealing in Dwelling-houses, to the Value of 40*s.*	3	–	–	3	–	–
1769:						
Murder	1	–	1	–	–	–
Forgery	1	1	–	–	–	1
Stealing in a Dwelling-house, to the Value of 40*s.*	1	–	–	1	–	–
1770:						
Murder	1	–	–	1	–	–
Arson	1	–	–	1	–	–
Highway Robbery	1	1	–	–	1	–
Horse Stealing	1	–	–	1	–	–
1771:						
Murder	3	–	–	3	–	–
Burglary	2	–	–	2	–	–
Shooting at a Person on the Highway	1	–	–	1	–	–

Appendix, No. 18—CONVICTIONS, &c. County of DURHAM, 1755 to 1779—*continued.*

OFFENCES.	Gross Number.	Capitally Convicted.	Convicted of lesser Offences.	Acquitted.	Executed.	Reprieved.
1772:						
Murder	2	–	–	2	–	–
Burglary	3	–	2	1	–	–
Cattle and Sheep Stealing	2	1	–	1	–	1
Stealing in a Dwelling-house, to the Value of 40*s.*	1	–	–	1	–	–
Stealing privately from the Person, to above 12*d.*	1	–	1	–	–	–
1773:						
Murder	2	–	1	1	–	–
Burglary	3	–	2	1	–	–
Highway Robbery	6	3	–	3	1	2
Shooting at a Person in a Dwelling-house	1	–	–	1	–	–
Stealing in a Dwelling-house, to the Value of 40*s.*	2	–	2	–	–	–
Stealing privately in a Shop, to the Value of 5*s.*	1	–	1	–	–	–
Stealing privately from the Person, to above 12*d.*	1	–	1	–	–	–
1774:						
Horse Stealing	1	1	–	–	–	–
Sheep Stealing	2	2	–	–	–	–
Stealing in a Dwelling-house, to the Value of 40*s.*	2	2	–	–	–	–
Stealing privately in a Shop, to the Value of 5*s.*	1	–	1	–	–	–
1775:						
Highway Robbery	3	3	–	–	–	3
Horse Stealing	1	–	–	1	–	–
Rape	1	–	–	1	–	–
Stealing privately in a Shop, to the Value of 5*s.*	1	–	1	–	–	–
1776:						
Murder	1	–	1	–	–	–
Burglary	1	1	–	–	1	–
Forgery (on four several indictments)	1	–	–	1	–	–
Highway Robbery	2	–	–	2	–	–
Sheep Stealing	2	1	–	1	–	1
1777:						
Burglary	3	1	–	2	–	1
Highway Robbery	3	–	–	3	–	–
Sheep Stealing	1	1	–	–	–	1
Stealing privately in a Shop, to the Value of 5*s.*	3	–	3	–	–	–
Stealing privately from the Person, to above the value of 12*d.*	1	–	1	–	–	–
1778:						
Murder	1	–	–	1	–	–
Highway Robbery	2	–	–	2	–	–
1779:						
Murder	1	–	1	–	–	–
Burglary	1	–	1	–	–	–
Horse Stealing (three several indictments)	1	1	–	–	–	1
Sheep Stealing	1	–	–	1	–	–
Stealing Linen Cloth from a Bleaching Field (*Repealed*, 51 *Geo. III.*)	1	–	–	1	–	–

10th April 1819.

John W. Hays,
Clerk of the Crown.

Appendix, No. 19.

A RETURN of the Number of Persons committed to the Gaol at DURHAM, for Trial for CAPITAL OFFENCES, from 1780 to 1818, both inclusive; and the Result.

OFFENCES.	Number Committed.	Capitally Convicted.	Convicted of lesser Offences.	Acquitted by Verdict of Jury.	No Bills, or Bills not found.	Executed.	Reprieved.
1780:							
BURGLARY	3	1	–	2	–	–	–
Highway Robbery	1	1	–	–	–	–	–
Sheep Stealing	3	–	–	3	–	–	–
1781:							
Murder	2	1	1	–	–	1	–
Burglary	3	1	1	1	–	–	–
Highway Robbery	1	1	–	–	–	1	–
Rape	1	–	–	1	–	–	–
Sheep Stealing	1	1	–	–	–	–	–
1782:							
Murder	2	–	–	1	1	–	–
Breaking Dwelling-houses in the day-time (no persons being therein) and stealing to the value of 5 *s.*	2	–	1	–	1	–	–
Burglary	1	–	–	1	–	–	–
Sheep Stealing	5	3	–	–	2	–	–
1783:							
Murder	2	1	–	1	–	–	–
Assault, with intent to kill	6	–	–	–	6	–	–
Burglary	6	–	1	3	2	–	–
Highway Robbery	2	–	–	2	–	–	–
Horse Stealing	2	2	–	–	–	–	–
Stealing in a Dwelling-house, to the value of 40 *s.*	2	1	–	–	1	–	–
Sheep Stealing	1	–	–	1	–	–	–
1784:							
Murder	1	–	–	1	–	–	–
Burglary	10	–	1	9	–	–	–
Horse Stealing	1	1	–	–	–	–	–
Sheep Stealing	3	1	–	2	–	–	–
Stealing privately in a Shop, to the value of 5 *s.*	1	–	–	1	–	–	–
1785:							
Murder	2	1	–	–	1	–	–
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5 *s.*	1	–	1	–	–	–	–
Burglary	5	3	–	–	2	–	–
Buggery	1	–	–	1	–	–	–
Highway Robbery	2	2	–	–	–		–
Horse Stealing	2	2	–	–	–	–	–
Stealing in Dwelling-houses, to the value of 40 *s.*	7	5	–	–	2	–	–
Stealing privately in a Shop, to the value of 5 *s.*	1	–	–	1	–	–	–
Stealing privately from the Person	1	–	–	1	–	–	–

Appendix, No. 19.—Convictions, &c.—County of Durham, 1780-1818—*continued.*

OFFENCES.	Number Committed.	Capitally Convicted.	Convicted of lesser Offences.	Acquitted by Verdict of Jury.	No Bills, or Bills not found.	Executed.	Reprieved.
1786:							
Arson	1	–	–	–	1	–	–
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5*s.*	1	1	–	–	–	–	–
Burglary	4	4	–	–	–	–	–
Highway Robbery	1	–	–	1	–	–	–
Horse Stealing	1	–	–	1	–	–	–
Sheep Stealing	4	–	–	1	3	–	–
Stealing in a Dwelling-house, to the value of 40*s.*	1	–	1	–	–	–	–
1787:							
Murder	4	–	1	2	1	–	–
Breaking Dwelling-houses in the day-time (no persons being therein) and stealing to the value of 5*s.*	3	2	1	–	–	–	–
Burglary	3	1	–	2	–	–	–
Highway Robbery	4	1	–	3	–	–	–
Horse Stealing	2	1	–	1	–	–	–
Stealing Privately in a shop, to the value of 5*s.*	1	–	1	–	–	–	–
1788:							
Murder	1	–	–	1	–	–	–
Arson	1	–	–	–	1	–	–
Assault, with intent to murder	1	–	1	–	–	–	–
Burglary	2	–	–	2	–	–	–
Forgery	1	–	–	1	–	–	–
Highway Robbery	1	–	–	–	1	–	–
Sheep Stealing	1	1	–	–	–	–	–
1789:							
Breaking Dwelling-houses in the day-time (no persons being therein) and stealing to the value of 5*s.*	3	–	2	1	–	–	–
Burglary	4	–	1	3	–	–	–
Highway Robbery	1	–	–	1	–	–	–
Horse Stealing	1	–	–	1	–	–	–
Sheep Stealing	1	–	–	1	–	–	–
1790:							
Murder	1	–	–	–	1	–	–
Arson	1	–	–	–	1	–	–
Burglary	1	–	1	–	–	–	–
Horse Stealing	2	2	–	–	–	–	–
Sheep Stealing	2	2	–	–	–	1	–
Stealing a Calf	1	1	–	–	–	–	–
Shooting at a Person in a public street	1	–	–	–	1	–	–
Stealing in a Dwelling-house, to the value of 40*s.*	1	–	–	1	–	–	–
Stealing privately from the Person	5	–	3	1	1	–	–
1791:							
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5*s.*	1	–	1	–	–	–	–
Burglary	3	–	1	–	2	–	–
Highway Robbery	2	–	–	2	–	–	–
Horse Stealing	2	1	–	1	–	–	–
Stealing in a Dwelling-house, to the value of 40*s.*	1	–	1	–	–	–	–
Stealing privately from the Person	4	–	–	–	4	–	–

Appendix, No. 19.—Convictions, &c.—County of Durham, 1780-1818—*continued.*

OFFENCES.	Number Committed.	Capitally Convicted.	Convicted of lesser Offences.	Acquitted by Verdict of Jury.	No Bills, or Bills not found.	Executed.	Reprieved.
1792:							
Murder	1	–	–	–	1	–	–
Destroying Timber Trees	1	–	–	1	–	–	–
Highway Robbery	2	–	–	2	–	–	–
Horse Stealing	2	2	–	–	–	–	–
1793:							
Burglary	1	–	1	–	–	–	–
Stealing in a Dwelling-house, to the value of 40*s.*	2	–	1	1	–	–	–
1794:							
Murder	1	–	–	1	–	–	–
Arson	1	–	–	1	–	–	–
Assault, with intent to kill	1	–	1	–	–	–	–
Horse Stealing	1	1	–	–	–	–	–
Rape	1	–	–	1	–	–	–
Stealing in a Dwelling-house, to the value of 40*s.*	1	–	–	1	–	–	–
Stealing privately from the Person	1	–	–	1	–	–	–
1795:							
Murder	1	–	–	1	–	–	–
Burglary	1	–	–	–	1	–	–
Highway Robbery	1	–	–	1	–	–	–
Rape	1	1	–	–	–	–	–
Stealing in a Dwelling-house, to the value of 40*s.*	2	–	1	1	–	–	–
Stealing privately from the Person	1	–	–	1	–	–	–
1796:							
Murder	1	–	–	–	1	–	–
Burglary	1	–	–	1	–	–	–
Highway Robbery	1	–	–	1	–	–	–
Horse Stealing	2	1	–	1	–	–	–
Sheep Stealing	1	1	–	–	–	–	–
Stealing privately from the Person	2	–	–	–	2	–	–
1797:							
Murder	3	–	2	1	–	–	–
Counterfeiting the current Gold Coin	1	–	–	1	–	–	–
Counterfeiting the current Silver Coin	2	1	–	1	–	–	–
Highway Robbery	1	–	–	1	–	–	–
Sheep Stealing	1	1	–	–	–	–	–
Stealing privately from the Person	1	–	1	–	–	–	–
1798:							
Murder	1	1	–	–	–	1	–
Assault and Robbery, putting in bodily Fear, &c.	3	2	–	1	–	–	–
Burglary	2	1	–	–	1	–	
Highway Robbery	1	–	–	1	–	–	–
Sheep Stealing	1	–	–	1	–	–	–
Stealing privately from the Person	1	–	–	–	1	–	–
Stealing in a Dwelling-house, to the value of 40*s.*	3	1	1	1	–	–	–
1799:							
Murder	2	–	–	2	–	–	–
Stealing privately in a Shop, to the value of 5*s.*	1	–	1	–	–	–	–

Appendix, No. 19.—Convictions, &c.—County of Durham, 1780–1818—*continued.*

OFFENCES.	Number Committed.	Capitally Convicted.	Convicted of lesser Offences.	Acquitted by Verdict of Jury.	No Bills, or Bills not found.	Executed.	Reprieved.
1800.							
Murder	5	–	–	–	5	–	–
Highway Robbery	3	1	–	2	–	–	1
Rape	1	–	–	–	1	–	–
Sheep Stealing	2	1	–	–	1	–	1
Stealing privately in a Shop, to the value of 5*s.*	1	–	1	–	–	–	–
Stealing from a Wreck	2	–	–	2	–	–	–
1801.							
Murder	2	–	1	1	–	–	–
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5*s.*	1	1	–	–	–	–	1
Forgery	2	–	–	2	–	–	–
Horse Stealing	1	–	–	1	–	–	–
Sheep Stealing	7	4	–	1	2	1	3
Stealing privately in a Shop, to the value of 5*s.*	1	–	1	–	–	–	–
Stealing in a Dwelling-house, to the value of 40*s.*	1	–	–	–	1	–	–
1802.							
Burglary	1	–	1	–	–	–	–
Horse Stealing	1	–	–	1	–	–	–
Shooting at a Person with intent to kill	1	1	–	–	–	1	–
1803.							
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5*s.*	1	1	–	–	–	–	1
Burglary	1	1	–	–	–	1	–
Forgery	1	–	–	1	–	–	–
Highway Robbery	1	–	–	1	–	–	–
Horse Stealing	1	1	–	–	–	–	1
Shooting at a Person with intent to kill	1	–	–	–	1	–	–
1804:							
Murder	1	–	–	1	–	–	–
Counterfeiting the current Silver Coin	1	–	–	–	1	–	–
Highway Robbery	1	–	–	–	1	–	–
Secreting Letters in the Post-office containing Bank notes	2	1	–	–	1	–	1
Sheep Stealing	1	–	–	–	1	–	–
Stealing Heifers	1	1	–	–	–	–	1
1805:							
Murder	1	1	–	–	–	1	–
Breaking Dwelling-houses in the day-time (no persons being therein) and stealing to the value of 5*s.*	2	1	–	1	–	–	1
Horse Stealing	1	1	–	–	–	–	1
Rape	1	–	–	1	–	–	–
Stealing Heifers	1	1	–	–	–	–	1

Appendix, No. 19.—Convictions, &c.—County of Durham, 1780–1818—*continued.*

OFFENCES.	Number Committed.	Capitally Convicted.	Convicted of lesser Offences.	Acquitted by Verdict of Jury.	No Bills, or Bills not found.	Executed.	Reprieved.
1806:							
Murder	3	1	–	–	2	–	1
Shooting at a Person in a Dwelling-house	1	–	–	1	–	–	–
1807:							
Murder	1	–	–	–	1	–	–
Sheep Stealing	1	1	–	–	–	–	1
Stealing in a Dwelling-house, to the value of 40 *s.*	2	1	–	1	–	–	1
1808:							
Murder	3	–	–	3	–	–	–
Horse Stealing	1	1	–	–	–	–	1
Shooting at a Person with intent to kill	1	–	–	1	–	–	–
1809:							
Burglary	1	–	–	–	1	–	–
Highway Robbery	2	–	–	–	2	–	–
1810:							
Murder	1	–	–	–	1	–	–
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5 *s.*	2	1	–	1	–	–	1
Horse Stealing	1	–	–	–	1	–	–
1811:							
Horse Stealing	1	1	–	–	–	–	1
Stealing Heifers	1	1	–	–	–	–	1
1812:							
Arson	1	–	–	1	–	–	–
Being at large before the expiration of the term for which he had been sentenced to be transported	1	1	–	–	–	–	1
Horse Stealing	2	2	–	–	–	–	2
Rape	3	–	–	–	3	–	–
Stealing privately in a Shop, to the value of 5 *s.*	2	2	–	–	–	–	2
1813:							
Rape	2	–	–	–	2	–	–
1814:							
Horse Stealing	2	2	–	–	–	–	2
Maiming a Man, by cutting off his private member	1	1	–	–	–	–	1
Maiming a Cow	1	–	–	–	1	–	–
1815:							
Murder	1	–	–	–	1	–	–
Appearing armed with a Gun on a common, and face blacked	1	–	–	1	–	–	–
Horse Stealing	1	–	–	1	–	–	–
Rape	1	–	–	–	1	–	–
Uttering a Bill of Exchange, with a forged indorsement, knowing it to be so	1	1	–	–	–	–	1

Appendix, No. 19.—Convictions, &c.—County of Durham, 1780–1818—*continued.*

OFFENCES.	Number Committed	Capitally Convicted.	Convicted of lesser Offences.	Acquitted by Verdict of Jury.	No Bills, or Bills not found.	Executed.	Reprieved.
1816:							
Murder	2	1	–	–	1	1	–
Counterfeiting the current Silver Coin	5	–	–	–	5	–	–
Burglary	1	–	–	1	–	–	–
Forgery	1	–	–	1	–	–	–
Horse Stealing	2	2	–	–	–	–	2
Rape	1	–	–	–	1	–	–
Sheep Stealing	1	1	–	–	–	–	1
Stealing Heifers	1	1	–	–	–	–	1
Stealing in a Dwelling-house, to the value of 40 *s.*	1	1	–	–	–	–	1
1817:							
Breaking Dwelling-houses in the day-time (no persons being therein) and stealing to the value of 5 *s.*	7	2	2	–	3	–	2
Burglary	6	2	–	4	–	–	2
Forgery	2	–	–	2	–	–	–
Highway Robbery	1	1	–	–	–	–	1
Rape	2	–	–	–	2	–	–
Stealing in a Dwelling-house, to the value of 40 *s.*	2	2	–	–	–	–	2
Stealing from a Wreck	2	1	–	1	–	–	1
Uttering a Forged Note, knowing it to be so	1	–	–	–	1	–	–
1818:							
Murder	1	–	1	–	–	–	–
Being at large before the expiration of the term for which he had been sentenced to be transported	1	1	–	–	–	–	1
Highway Robbery	3	–	–	2	1	–	–
Stealing in a Dwelling-house, to the value of 40 *s.*	1	1	–	–	–	–	1
Stealing an Heifer	1	–	–	–	1	–	–
Uttering Forged Notes, knowing them to be so	4	1	–	2	1	–	1
Lent Assizes 1819:							
Murder	1	–	–	1	–	–	–
Burglary	4	2	–	2*	–	–	2
Rape (on an infant, within the statute)	1	1	–	–	–	1	–
Sheep Stealing	5	4	–	–	1	–	4
Uttering a Forged Note, knowing it to be so	1	–	–	1†	–	–	–

* Acquitted in consequence of a flaw in the indictment, and order to be detained in custody until the next assizes. Their commitments are also for Arson and Murder. The offences were committed in 1815.

† No evidence adduced, prisoner having pleaded guilty to an indictment for having a forged note in his possession without lawful excuse, knowing it to be so.

10th April 1819.

John W. Hays,
Clerk of the Crown.

Appendix, No. 20.

EXTRACTS from Records and Indictments in the CROWN OFFICE at DURHAM, relating to Prosecutions for CAPITAL OFFENCES, in the County of DURHAM.

OFFENCES.	Grosss Number.	Capitally Convicted.	Convicted of lesser Offences.	Acquitted.	Executed.	Reprieved.
1707:						
MURDER	3	–	–	3	–	–
1710:						
Murder	2	–	–	2	–	–
Burglary	1	–	1	–	–	–
1712:						
Burglary	7	6	–	1	5	1
Horse Stealing	1	–	–	1	–	–
1713:						
Burglary	1	1	–	–	–	1
1714:						
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5*s*.	1	1	–	–	–	1
Burglary	1	1	–	–	1	–
1715:						
Murder	1	1	–	–	–	1
1716:						
Murder	1	–	–	1	–	–
1717 and 1718 - - wanting.						
1719:						
Burglary	1	1	–	–	–	1
— 1720. —			The Records for these years are wanting; there are several indictments for capital offences, but the results not fully set forth; some of the indictments having the words "Po. se," over the prisoners names, others, "Po. se cul." and many are not marked any way.			
1721:						
Horse Stealing	2	2				
1722:						
Burglary	1	1				
Horse Stealing	1	1				
— 1723, 1724, and 1725. —						
1726:						
Highway Robbery	6	6	–	–	5	1
1727:						
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5*s*.	1	1	–	–	–	1
Highway Robbery	1	1	–	–	–	1
Horse Stealing	1	1	–	–	–	1
1728:						
Breaking a Dwelling-house in the day-time (no person being therein) and stealing to the value of 5*s*.	1	1	–	–	–	1
Horse Stealing	1	1	–	–	–	1
1729:						
Horse Stealing	4	4	–	–	–	–
1730:						
Murder	1	–	1	The observations above are applicable to these and the following years.		
Horse Stealing	2	2	–			
1731:						
Horse Stealing	1	1				
1732:						
Murder	2	1	–	1		
— 1733, 1734. —						
1735:						
Murder (by appeal)	2					
Pleas of Not Guilty, but not further proceeded in by Appellant, and the Appellees discharged.						
— 1736 and 1737. —						

Further Searches not yet made.

2d April 1819.

John W. Hays,
Clerk of the Crown.

Appendix, No. 21.

CARMARTHEN CIRCUIT. - - - A RETURN of COMMITMENTS, CONVICTIONS and EXECUTIONS

SPECIES OF CAPITAL OFFENCES.

Date.	No. of Commitments.	Murder.	Burglary.	Horse Stealing.	Sheep Stealing.	Stealing to the Value of 40 s. in a Dwelling-house.	House-breaking in the Day-time, no Person being therein, and Stealing to the Value of 5 s.	Feloniously Shooting at, &c. with intent to Murder.	Plundering Ship-wrecked Goods.	Embezzling Master's Property.	Privately Stealing in a Shop.
1800.	13	–	4	1	7	1	–	–	–	–	–
1801.	27	2	6	–	16	–	–	–	–	–	–
1802.	3	1	–	–	2	–	–	–	–	–	–
1803.	11	5	–	3	3	–	–	–	–	–	–
1804.	8	3	–	1	2	–	–	–	–	–	–
1805.	9	7	–	–	2	–	–	–	–	–	–
1806.	9	1	3	–	1	–	1	1	–	1	–
1807.	6	–	2	1	1	–	–	–	–	–	2
1808.	3	1	–	1	–	–	–	–	1	–	–
1809.	8	1	–	–	3	–	–	–	–	–	1

A RETURN of Commitments, Convictions and Executions respectively, for each SPECIES OF CAPITAL OFFENCES.

Date.	No. of Commitments.	Murder.	Burglary.	Horse Stealing.	Sheep Stealing.	Stealing to the Value of 40 s. in a Dwelling-house.	House-breaking in the Day-time, no Person being therein, and Stealing to the Value of 5 s.	Petty Treason.	Feloniously Shooting at a Person with intent to Murder.	Stealing from the Person.	Buggery.
1810.	8	–	1	2	2	2	1	–	–	–	–
1811.	12	2	–	4	3	1	–	1	1	–	–
1812.	8	1	–	2	4	1	–	–	–	–	–
1813.	7	1	1	1	1	1	–	–	–	1	1
1814.	5	2	–	2	–	–	–	–	–	1	–
1815.	7	–	3	–	1	2	–	–	–	–	–
1816.	10	–	7	–	–	1	1	–	–	–	–
1817.	23	3	4	–	6	6	2	–	–	–	–
1818.	57	3	14	3	11	3	6	–	1	1	–

Appendix, No. 21.

respectively, for each Species of CAPITAL OFFENCE, from the Year 1800 to 1809, both inclusive.

SPECIES OF CAPITAL OFFENCES.

Forgery and Uttering Forged Notes, &c.	Arson.	Stealing Cattle.	Highway Robbery.	Returning from Transportation	Number of CONVICTIONS.	Number of EXECUTIONS.
–	–	–	–	–	2 for Sheep Stealing 1 for Horse Stealing.	1 for Sheep Stealing.
–	–	1	1	1	1 for Murder 6 for Burglary. 4 for Sheep Stealing. 1 for Highway Robbery 1 for returning from Transportation. 1 for Stealing Cattle.	1 for Murder. 1 for Highway Robbery.
–	–	–	–	–	None.	None.
–	–	–	–	–	2 for Horse Stealing.	None.
–	2	–	–	–	1 for Horse Stealing	1 for Horse Stealing.
–	–	–	–	–	1 for Sheep Stealing.	None
–	1	–	–	–	None.	None.
–	–	–	–	–	None.	None.
–	–	–	–	–	None.	None.
2	–	–	1	–	None.	None.

Species of Capital Offence, from the Year 1810 to the Year 1818, both inclusive.

SPECIES OF CAPITAL OFFENCES.

Privately Stealing in a Shop.	Forging and Uttering Forged Notes.	Arson.	Cow Stealing.	Highway Robbery.	Number of CONVICTIONS.	Number of EXECUTIONS.
–	–	–	–	–	1 for Sheep Stealing. 1 for Stealing to the value of 40*s.* in a Dwelling-house, &c.	None.
–	–	–	–	–	1 for Murder 2 for Horse Stealing.	1 for Murder.
–	–	–	–	–	1 for Horse Stealing. 1 for Sheep Stealing.	None.
–	–	–	–	–	1 for Horse Stealing. 1 for Sheep Stealing. 1 for Stealing in a Dwelling-house to the value of 40*s.* &c.	None.
–	–	–	–	–	2 for Horse Stealing.	None.
1	–	–	–	–	1 for Burglary. 2 for Stealing to the value of 40*s.* in a Dwelling-house, &c.	None.
–	–	1	–	–	3 for Burglary. 1 for Stealing to the value of 40*s.* in a Shop.	None.
–	–	2	–	–	1 for Murder 2 for Burglary. 3 for Sheep Stealing. 2 for Stealing to the value of 40*s.* in a Dwelling-house.	1 for Murder.
1	10	1	2	1	5 for Burglary. 2 for Horse Stealing. 2 for Sheep Stealing. 2 for Stealing to the value of 40*s.* in a Dwelling-house, &c. 3 for Forging and Uttering Forged Notes N. B.—Two of these pleaded Guilty. 1 for Cow Stealing.	1 for forging Bank of England Notes.

J. Willy,
Secondary of the Carmarthen Circuit.

Appendix, No. 22.

BRECON CIRCUIT.—AN ACCOUNT of CONVICTIONS, SENTENCES, and EXECUTIONS, of every Species of CAPITAL OFFENCE that have been recorded in His Majesty's Court of Great Sessions, for the several Counties of GLAMORGAN, BRECON, and RADNOR, from the Year 1752 to 1818.

CIRCUIT AND CRIME.	SENTENCES, &c.
Glamorgan.—April 1753:	
Burglary - - - - 1	Transported for 14 years.
Radnor:	
Horse stealing - - 1	Transported for 14 years.
Glamorgan.—Spring 1754:	
Horse stealing - - 1	Transported.
Breaking a house in the day-time, no person being therein, and stealing thereout wearing apparel, &c. - - 1	Transported.
Radnor:	
Murder - - - - - 1	Executed and hanged in chains.
Glamorgan.—August 1754:	
Sheep stealing - - 1	Transported.
Glamorgan.—Spring 1755:	
Horse stealing - - 1	Confined in gaol for life.
Brecon:	
Horse stealing - - 1	Transported for 14 years.
Sheep stealing - - 1	D°
Forgery - - - - - 1	D°
Glamorgan.—August 1755:	
Murder - - - - - 1	Executed and hanged in chains.
Brecon.—Spring 1756:	
Horse stealing - - 1	Transported.
Radnor:	
Sheep stealing - - 1	Reprieved.
Brecon.—Autumn 1756:	
Sacrilege - - - - - 1	Executed.
Glamorgan.—Spring 1757:	
Murder - - - - - - 1	Executed, & hanged in chains.
Horse stealing - - 1	Transported.
Brecon.—Spring 1758:	
Sheep stealing - - 1	Transported.
Glamorgan.—Autumn 1758:	
Horse stealing - - - 1	Respited.
Sheep stealing - - 1	D°
Glamorgan.—Spring 1760:	
Murder - - - - - 1	Executed, & hanged in chains.
Glamorgan.—Autumn 1761:	
Murder - - - - - - 1	Executed, & hanged in chains.
Glamorgan.—Spring 1762:	
Horse stealing - - - 1	Reprieved.
Brecon.—Autumn 1763:	
Black act - - - - - 1	Transported.
Radnor.—Spring 1764:	
Horse stealing - - 1	Sentence of death, but reprieved
Glamorgan:	
Horse stealing - - 1	Reprieved.
Larceny - - - - - 3	Transportation.
Glamorgan.—Autumn 1764:	
Larceny - - - - - 2	Transportation for 7 years.
Glamorgan.—Spring 1766:	
Larceny - - - - - 2	Transportation for 7 years.
Glamorgan.—Spring 1768:	
Larceny - - - - - 2	
Glamorgan.—Autumn 1768:	
Sheep stealing - - 1	Reprieved.
Horse stealing - - 1	D°
Brecon.—Spring 1769:	
Horse stealing - - 1	
Larceny - - - - - 1	Transported.
Glamorgan.—Spring 1770:	
Murder - - - - - 1	Executed, & hanged in chains.
Brecon:	
Larceny - - - - - 1	Transported for 7 years.
Sheep stealing - - 1	Reprieved.
Radnor.—Autumn 1770:	
Sheep stealing - - 1	Transported.
Glamorgan.—Spring 1771:	
Larceny - - - - - 4	Transported for 7 years.
Stealing a cow - - 1	Reprieved.
Brecon.—Autumn 1771:	
Sheep stealing - - 1	
Brecon.—Spring 1772:	
Sheep stealing - - 1	Reprieved.
Larceny - - - - - 2	Transported for 7 years.
Glamorgan:	
Larceny - - - - - 3	Transported for 7 years.
Horse stealing - - 1	Transported for 14 years.
Glamorgan.—Autumn 1772:	
Larceny - - - - - 2	Transported for 7 years.
Brecon.—Spring 1773:	
Larceny - - - - - 1	
Glamorgan:	
Larceny - - - - - 1	Burnt in the hand.
D° - - - - - - 2	Transported for 7 years.
Brecon.—Autumn 1773:	
Horse stealing - - 1	Reprieved.
Radnor.—Spring 1774:	
Murder - - - - - 1	Executed, and hung in chains.
Brecon:	
Larceny - - - - - 1	Transported.
Glamorgan.—Autumn 1774:	
Sheep stealing - - 1	Reprieved.
Larceny - - - - - 1	
Brecon:	
Larceny - - - - - 1	
Brecon.—Spring 1775:	
Highway robbery - 1	Pardoned.
Glamorgan:	
Larceny - - - - - 1	
Burglary - - - - - 1	Guilty of the felony.
Brecon.—Spring 1776:	
Larceny - - - - - 1	Whipped.
Glamorgan:	
Larceny - - - - - 3	Whipped.
Glamorgan.—Autumn 1776:	
Larceny - - - - - 1	Whipped.
Brecon:	
Black act - - - - - 1	Reprieved.

BRECON CIRCUIT.—An Account of Convictions, Sentences, Executions, &c. from 1752 to 1818.—*continued.*

CIRCUIT and CRIME.	SENTENCES, &c.
Brecon.—Spring 1777:	
Sheep stealing - - 2	Reprieved.
Glamorgan:	
Larceny - - - - 2	
Glamorgan.—Autumn 1777:	
Larceny - - - - 2	
Radnor.—Spring 1778:	
Larceny - - - - 1	
Glamorgan:	
Larceny - - - - 1	
Glamorgan.—Autumn 1778:	
Murder - - - - 1	Executed.
Larceny - - - - 1	
Burglary - - - - 1	Guilty of the felony.
Radnor.—Spring 1779:	
Horse stealing - - 1	Reprieved.
Brecon:	
Sheep stealing - - 1	Reprieved.
Brecon.—Spring 1781:	
Larceny - - - - 1	
Glamorgan:	
Larceny - - - - 1	
Radnor.—Spring 1782:	
Sheep stealing - - 1	Reprieved.
Glamorgan:	
Larceny - - - - 1	Transported.
D° - - - - - - 1	Whipped.
Brecon.—Spring 1783:	
Horse stealing - - 1	Reprieved.
Larceny - - - - 1	
Felony in killing cattle -	Reprieved.
Horse stealing - - 1	Transported.
Glamorgan:	
Larceny - - - - 1	
Glamorgan.—Autumn 1783:	
Horse stealing - - 1	Reprieved.
Brecon:	
Larceny - - - - 1	
Radnor.—Spring 1784:	
Larceny - - - - 1	
Brecon:	
Forgery - - - - 1	
Glamorgan:	
Larceny - - - - 3	
Glamorgan.—Autumn 1784:	
Larceny - - - - 3	
Brecon:	
Sheep stealing - - 1	Reprieved.
Radnor.—Spring 1785:	
Stealing oxen - - - 1	Transported for life.
Brecon:	
Burglary - - - - 1	Transported for life.
Glamorgan.—Autumn 1785:	
Larceny - - - - 1	
Brecon:	
Horse stealing - - 1	Reprieved.
Radnor:	
Horse stealing - - 1	Executed.
Radnor.—Spring 1786:	
Horse stealing - - 1	Reprieved.
Brecon:	
Horse stealing - - 1	Transported for life.
Glamorgan:	
Larceny - - - - 1	
Burglary - - - - 1	Executed.
Glamorgan.—Autumn 1786:	
Larceny - - - - 3	
Stealing oxen - - - 1	
Horse stealing - - 2	Reprieved.
Brecon.—Autumn 1786:	
Larceny - - - - 1	
Sheep stealing - - 1	Reprieved.
Radnor:	
Horse stealing - - 1	Reprieved.
Brecon.—Spring 1787:	
Horse stealing - - 1	Reprieved.
Sheep stealing - - 1	D°
Glamorgan:	
Murder - - - - - 2	Executed.
Highway robbery - 1	Reprieved.
Sheep stealing - - 2	D°
Larceny - - - -	
Glamorgan.—Autumn 1787:	
Burglary - - - -	Reprieved.
Radnor.—Spring 1788:	
Horse stealing - - 1	Executed.
Larceny - - - - 1	
Brecon:	
Sheep stealing - - 1	Transported for life.
D° - - - - - - 1	For 14 years.
D° - - - - - - 1	Pardoned.
Glamorgan:	
Stealing cattle - - 1	Reprieved.
Horse stealing - - 1	D°
Brecon.—Autumn 1788:	
Horse stealing - - 1	Transported for life.
Sheep stealing - - 1	D°
D° - - - - - - 1	Reprieved.
Glamorgan:	
Larceny - - - - 1	
Glamorgan.—Spring 1789:	
Sheep stealing - - 1	Executed.
Brecon:	
Sheep stealing - - 2	Reprieved.
Radnor:	
Burglary - - - - 1	D°
Radnor.—Autumn 1789:	
Larceny - - - - 1	
Brecon:	
Murder - - - - 1	Executed and hung in chains.
Glamorgan:	
Sheep stealing - - -	Reprieved.
Glamorgan.—Spring 1790:	
Burglary - - - - 1	D°
Larceny - - - - 1	
Glamorgan.—Autumn 1790:	
Horse stealing - - 1	D°
Brecon:	
Accessary to a murder 1	Executed.
Burglary - - - - 1	D°
Horse stealing - - 1	Reprieved.
Radnor:	
Burglary - - - - 2	Guilty of the felony.
Glamorgan.—Spring 1791:	
Larceny - - - - 1	
Brecon:	
Larceny - - - - 1	
Sheep stealing - - - 1	Transported.
D° - - - - - - 1	Reprieved.
Glamorgan.—Autumn 1791:	
Burglary - - - - 2	Executed.
D° - - - - - - 1	Transported.
Highway robbery - 1	Reprieved.
Glamorgan.—Spring 1792:	
Highway robbery - 1	D°
Glamorgan.—Autumn 1792:	
Larceny - - - - 1	Whipped and imprisoned for 2 years.
D° - - - - - - 1	Reprieved.
D° - - - - - - 1	Imprisoned 12 months.

(*continued*)

BRECON CIRCUIT.—An Account of CONVICTIONS, SENTENCES, EXECUTIONS, &c. from 1752 to 1818—*continued.*

CIRCUIT AND CRIME.	SENTENCES, &c.
Glamorgan.—Spring 1793:	
Housebreaking - - 2	Reprieved.
Brecon:	
Murder - - - - - 1	Executed.
Radnor:	
Larceny - - - - - 1	Transported 7 years.
Radnor.—Autumn 1793:	
Housebreaking - - 1	Imprisoned 3 years.
Brecon:	
Larceny - - - - - 1	Imprisoned 6 months.
D° - - - - - - 1	Transported 7 years.
D° - - - - - - 1	To be solitarily imprisoned 3 years.
Glamorgan:	
Larceny - - - - - 1	Solitarily imprisoned 2 years.
D° - - - - - - 1	Transported 7 years.
Glamorgan.—Spring 1794:	
Larceny - - - - - 1	Transported 7 years.
Brecon:	
Larceny - - - - - 1	Imprisoned 3 months.
D° - - - - - - 1	Solitarily imprisoned 2 years.
Radnor:	
Burglary - - - - - 1	Reprieved.
Larceny - - - - - 1	Solitarily imprisoned 3 years.
Glamorgan.—Autumn 1794:	
Larceny - - - - - 2	
Glamorgan.—Spring 1795:	
Sheep stealing - - 1	Reprieved.
Radnor:	
Larceny - - - - - 1	Transported 7 years.
Brecon.—Autumn 1795:	
Sheep stealing - - 1	Reprieved.
Glamorgan.—Spring 1796:	
Larceny - - - - - 1	Transported 7 years.
D° - - - - - - 1	Hard labour 12 months.
D° - - - - - - 1	Solitary confinement for 3 months.
Brecon:	
Larceny - - - - - 1	
Glamorgan.—Autumn 1796:	
Horse stealing - - - 1	Pardoned on condition, transported for life.
Glamorgan.—Spring 1797:	
Burglary - - - - - 2	Reprieved.
Brecon:	
Forgery - - - - - 1	Executed.
Larceny - - - - - 1	Solitarily confined for 6 months.
Burglary - - - - - 1	D° - - for 3 years.
Radnor:	
Sheep stealing - - 1	Executed.
D° - - - - - 1	Reprieved.
Radnor.—Autumn 1797:	
Sheep stealing - - 2	Reprieved.
Brecon:	
Larceny - - - - - 1	Transported 7 years.
Glamorgan:	
Larceny - - - - - 2	Solitarily confined for 4 years.
Horse stealing - - - 1	Executed.
Larceny - - - - - 1	Imprisoned 3 months.
D° - - - - - - 1	Transported for 7 years.
Glamorgan.—Spring 1798:	
Burglary - - - - - 1	Reprieved.
Housebreaking - - 1	Reprieved.
Larceny - - - - - 2	Transported 7 years.
Brecon:	
Housebreaking - - 1	Transported 7 years.
Radnor:	
Larceny - - - - - 1	Fined 1s. and enlisted as a soldier.
Glamorgan.—Autumn 1798:	
Burglary - - - - - 1	Solitarily confined for 2 years.

CIRCUIT AND CRIME.	SENTENCES, &c.
Glamorgan.—Spring 1799:	
Murder - - - - - - 1	Executed.
Burglary - - - - - 1	Guilty of the felony.
Brecon:	
Burglary - - - - - 1	Guilty of the felony.
Glamorgan.—Spring 1800:	
Larceny - - - - - 1	Solitarily confined for 1 year.
D° - - - - - - 1	Imprisoned 6 months.
D° - - - - - - 1	D° - 1 year.
D° - - - - - - 1	D° - 2 years.
D° - - - - - - 1	Reprieved.
Brecon:	
Sheep stealing - - 1	Reprieved.
Larceny - - - - - 1	Solitarily confined 1 year.
Housebreaking - - 1	D° - - - 2 years.
Larceny - - - - - 1	Imprisoned 3 months.
Brecon.—Autumn 1800:	
Stealing oxen - - 1	Transported.
Glamorgan:	
Larceny - - - - - 2	Solitarily confined for 1 year.
Radnor.—Spring 1801:	
Burglary - - - - - 1	Transported 7 years.
Sheep stealing - - 1	Reprieved.
Brecon:	
Larceny - - - - - 1	Imprisoned 6 months.
Sheep stealing - - 2	Reprieved.
Glamorgan:	
Highway robbery - - 2	Executed.
D° - - - - - - 1	Reprieved.
Housebreaking - - 1	Reprieved.
Sheep stealing - - 3	Reprieved.
Radnor.—Autumn 1801:	
Sheep stealing - - 1	Reprieved.
Larceny - - - - - 1	Solitarily confined for 12 months.
Brecon:	
Housebreaking - - 1	Imprisoned 2 years.
D° - - - - - - 1	Transported 7 years.
Glamorgan:	
Stealing a cow - - 1	Reprieved.
Larceny - - - - - 1	Transported 7 years.
Black act - - - - - 1	Reprieved.
Glamorgan.—Spring 1802:	
Larceny - - - - - 2	Three months confined.
Housebreaking - - 1	Reprieved.
Brecon:	
For having in his possession forged bank of England notes, knowing them to be so - 1	Transported 14 years.
Larceny - - - - - 1	Transported 7 years.
D° - - - - - - 1	Imprisoned 12 months.
Radnor:	
Larceny - - - - - 1	Transported 7 years.
Glamorgan.—Autumn 1802:	
Larceny - - - - - 1	Transported 7 years.
Glamorgan.—Spring 1803:	
Larceny - - - - - 1	Transported 7 years.
Brecon:	
Sheep stealing - - 2	Reprieved.
Radnor:	
Sheep stealing - - 1	Reprieved.
Radnor.—Autumn 1803:	
Murder - - - - - - 1	Executed.
Brecon:	
Larceny - - - - - 1	
Brecon.—Autumn 1804:	
Larceny - - - - - 1	Transported.
Glamorgan:	
Stealing a cow - - 1	Reprieved.
Larceny - - - - - 1	

BRECON CIRCUIT.—An Account of CONVICTIONS, SENTENCES, EXECUTIONS, &c. from 1752 to 1818—*continued.*

CIRCUIT AND CRIME.	SENTENCES, &c.
Radnor.—Spring 1805 :	
Murder - - - - - 1	Executed.
Glamorgan.—Autumn 1805 :	
Larceny - - - - - 3	
Brecon.—Spring 1806 :	
Sheep stealing - - 1	Reprieved.
Brecon.—Autumn 1806 :	
Larceny - - - - - 2	
Glamorgan :	
Larceny - - - - - 2	
Brecon.—Spring 1807 :	
Murder - - - - - 1	Executed.
Horse stealing - - - 1	Reprieved.
Burglary - - - - - 1	Reprieved.
Housebreaking - - 1	D°
Sheep stealing - - - 2	D°
Radnor :	
Larceny - - - - - 1	
Brecon.—Autumn 1807 :	
Sheep stealing - - 1	Reprieved.
Glamorgan.—Spring 1808 :	
Murder - - - - - 1	Executed and dissected.
Brecon :	
Larceny - - - - - 1	
Glamorgan.—Autumn 1808 :	
Sheep stealing - - 1	Reprieved.
Glamorgan.—Spring 1809 :	
Larceny - - - - - 1	
Brecon :	
Larceny - - - - - 1	Transported for 7 years.
Glamorgan.—Spring 1810 :	
Sheep stealing - - 1	Reprieved.
Burglary - - - - - 1	D°
Burglary - - - - - 1	Executed.
Horse stealing - - - 1	Reprieved.
Larceny - - - - - 1	
Radnor :	
Horse stealing - - 1	Reprieved.
Sheep stealing - - 2	D°
Larceny - - - - - 1	
Radnor.—Autumn 1810 :	
Housebreaking - - 1	Reprieved.
Glamorgan :	
Horse stealing - - - 1	D°
Glamorgan.—Spring 1811 :	
Burglary - - - - - 1	Reprieved.
Larceny - - - - - 1	
Brecon :	
Murder of her bastard child - - - - - 1	Found guilty.
Glamorgan.—Spring 1812 :	
Larceny - - - - - 3	
Housebreaking - - 1	
Brecon :	
Stealing 2 heifers - - 1	Reprieved.
Murder - - - - - 1	Prisoner found insane.
Glamorgan.—Spring 1813 :	
Housebreaking - - 1	
Sheep stealing - - - 1	Reprieved.
Larceny - - - - - 2	
Brecon :	
Uttering a forged note 1	Reprieved.
Burglary - - - - - 1	D°
Horse stealing - - 1	D°
Brecon.—Autumn 1813 :	
Housebreaking - - 1	Reprieved.
Glamorgan :	
Sheep stealing - - 1	D°
Burglary - - - - - 1	D°
Brecon.—Spring 1814 :	
Horse stealing - - 1	Reprieved.
Radnor :	
Forgery - - - - - 1	Sentence of death, but afterwards escaped out of gaol.
Glamorgan.—Autumn 1814 :	
Larceny - - - - - 2	
Glamorgan.—Spring 1815 :	
Burglary - - - - - 1	Reprieved.
Horse stealing - - 2	Reprieved.
Housebreaking - - 1	
Larceny - - - - - 2	
Radnor.—Autumn 1815 :	
Horse stealing - - 1	Reprieved.
Brecon :	
Sheep stealing - - 1	D°
Glamorgan :	
Larceny - - - - - 3	
Glamorgan.—Spring 1816 :	
Housebreaking - - 1	Reprieved.
Larceny - - - - - 2	
Brecon :	
Larceny - - - - - 3	Transported for 7 years.
D° - - - - - - 2	
Radnor :	
Burglary - - - - - 1	
Brecon.—Autumn 1816 :	
Larceny - - - - - 1	Transported for 7 years.
Glamorgan :	
Burglary - - - - - 1	Transported for 7 years.
Glamorgan.—Spring 1817 :	
Burglary - - - - - 1	Transported for 7 years.
Brecon :	
Burglary - - - - - 2	Reprieved.
Sheep stealing - - 1	Transported.
Maiming, with intent to murder - - - 1	Executed.
Murder - - - - - 1	Insane.
Larceny - - - - - 2	
Sheep stealing - - 2	Reprieved.
Radnor :	
Sheep stealing - - 1	
Brecon.—Autumn 1817 :	
Sheep stealing - - 2	Transported.
Larceny - - - - - 2	
Glamorgan :	
Larceny - - - - - 3	
Highway robbery -	Reprieved.
Glamorgan.—Spring 1818 :	
Sheep stealing - - 2	Reprieved.
Larceny - - - - - 1	
Brecon :	
Horse stealing - - 2	Reprieved and transported
Larceny - - - - - 1	
Radnor :	
Larceny - - - - - 1	
Sheep stealing - - 2	Reprieved.
Glamorgan.—Autumn 1818 :	
Horse stealing - - 1	Reprieved.
Larceny - - - - - 2	
Brecon :	
Larceny - - - - - 1	
Radnor :	
Horse stealing - - 1	Reprieved.

Appendix, No. 23.

MONTGOMERY CIRCUIT. - - - A RETURN of the CRIMINAL PRISONERS committed for TRIAL for CAPITAL OFFENCES, within the County of MONTGOMERY, from Spring Session 1800 to Spring Session 1819, both inclusive; showing the Nature of their CRIMES, with the Result of their Commitments.

	Number committed.	CRIMES with which Charged.	Guilty capitally.	Guilty of a minor Offence.	Not Guilty.	Discharged for want of Prosecution or Bill not found.	Executed.	OBSERVATIONS.
Spring Session, - 1800	1	Forgery - - - -	1	—	—	—	1	
	1	Murder - - - -	—	—	—	1	—	
	1	Stealing two bullocks -	1	—	—	—	—	
	1	Horse stealing - - -	—	—	1	—	—	
Summer — - - 1800	1	Sheep stealing - - -	1	—	—	—	—	
	1	Privately stealing out of a shop, to the value of 5*s*. -	1	—	—	—	—	
Spring — - - 1801	2	Breaking and entering a dwelling-house in the day-time, no person being therein, and steals to the value of 5*s*.	—	2	—	—	—	
	2	Sheep stealing - - -	1	—	—	1	—	
Summer — - - 1801	1	Horse stealing - - -	1	—	—	—	—	
Spring — - - 1802	1	Sheep stealing - - -	1	—	—	—	—	
	2	Stealing a cow - - -	2	—	—	—	—	
Summer — - - 1802	—	—	—	—	—	—	—	
Spring — - - 1803	1	Sheep stealing - - -	—	—	1	—	—	
	2	Horse stealing - - -	2	—	—	—	—	Both women, and the same that were convicted at the preceding Session for a similar offence, having been in prison since then.
Summer — - - 1803	2	Horse stealing - - -	2	—	—	—	—	
	1	Burglary - - - -	1	—	—	—	—	
Spring — - - 1804	1	Stealing flannel off the tenters in the night-time, to the value of 30*s*. - - -	1	—	—	—	—	
Summer — - - 1804	1	Horse stealing - - -	—	—	1	—	—	
Spring — - - 1805	1	Sheep stealing - - -	1	—	—	—	—	
	2	Stealing privately out of a shop, to the value of 5*s*. -	2	—	—	—	—	
Summer — - - 1805	—	—	—	—	—	—	—	
Spring — - - 1806	2	Horse-stealing - - -	1	—	1	—	—	
Summer — - - 1806	1	Sheep stealing - - -	—	—	1	—	—	
	1	Stopping in the highway, putting in bodily fear, and robbing of a 7*s*. piece -	—	—	1	—	—	
Spring — - - 1807	1	Sheep stealing - - -	—	—	1	—	—	
	1	Horse stealing - - -	—	—	1	—	—	
Summer — - - 1807	—	—	—	—	—	—	—	
Spring — - - 1808	1	Privately stealing Bank notes from the person -	—	1	—	—	—	
Summer — - - 1808	—	—	—	—	—	—	—	
Spring — - - 1809	—	—	—	—	—	—	—	
Summer — - - 1809	—	—	—	—	—	—	—	
Spring — - - 1810	3	Sheep stealing - - -	1	1 Stealing the skin only	1	—	—	
	1	Burglary - - - -	1	—	—	—	—	
Summer — - - 1810	—	—	—	—	—	—	—	
Spring — - - 1811	—	—	—	—	—	—	—	
Summer — - - 1811	—	—	—	—	—	—	—	

MONTGOMERY CIRCUIT.—A Return of Criminal Prisoners committed for Trial for Capita Offences, &c.—*continued.*

	Number committed.	CRIMES with which Charged.	Guilty capitally.	Guilty of a minor Offence.	Not Guilty.	Discharged for want of Prosecution or Bill not found.	Executed.	OBSERVATIONS.
Spring Session - 1812	1	Privately stealing out of a shop, to the value of 5 *s.* -	–	–	1	–	–	
	1	Burglary - - - -	1	–	–	–	–	
	2	Stealing out of a dwelling-house, to the value of 40 *s.* -	2	–	–	–	–	
Summer — - - 1812	1	Horse stealing - - -	1	–	–	–	–	
Spring — - - 1813	1	Sheep stealing - - -	–	1 Stealing the skin only	–	–	–	
	2	Burglary - - - -	–	–	2	–	–	
	1	Arson - - - -	–	–	1	–	–	
	1	Murder - - - -	1	–	–	–	1	
Summer — - - 1813	1	Horse stealing - - -	1	–	–	–	–	
	1	Stealing out of a dwelling-house in the day-time, no person being therein, to the value of 5 *s.* - - - -	–	1	–	–	–	
	2	Stealing Bank notes from the person - - -	–	–	2	–	–	
Spring — - - 1814	1	Horse stealing - - -	1	–	–	–	–	
Summer — - - 1814	–	—	–	–	–	–	–	
Spring — - - 1815	1	Stealing Bank notes from the person - - - -	–	–	–	–	–	Escaped from gaol before trial.
Summer — - - 1815	–	—	–	–	–	–	–	
Spring — - - 1816	1	Horse stealing - - -	1	–	–	–	–	
	1	Sheep stealing - - -	1	–	–	–	–	
Summer — - - 1816	1	Stealing in a dwelling-house in the day-time, to the value of 5 *s.* no person being therein - - -	–	1	–	–	–	
Spring — - - 1817	3	Burglary - - - -	–	3	–	–	–	
	1	Murder - - - -	–	–	1	–	–	
	1	Stealing Bank notes from the person - - -	–	1	–	–	–	
Summer — - - 1817	3	Burglary - - - - -	1	2	–	–	–	
Spring — - - 1818	3	Burglary - - - -	1	1	1	–	–	
	1	Stealing flannel off the tenters in the night-time -	–	1	–	–	–	
	3	Stealing two oxen and a heifer - - - -	3	–	–	–	–	
Summer — - - 1818	2	Horse stealing - - -	2	–	–	–	1	
	2	Burglary - - - -	1	–	1	–	–	
	2	Stealing in a dwelling-house, to the value of 40 *s.* - -	1	1	–	–	–	
Spring — - - 1819	2	Breaking and entering a dwelling-house in the day-time, no person being therein, and stealing to the value of 5 *s.* - - - - -	1	1	–	–	–	
	1	Sheep stealing - - -	1	–	–	–	–	
	1	Horse stealing - - -	1	–	–	–	–	
	1	Murder - - - -	–	1 Of manslaughter	–	–	–	Pleading guilty to the minor offence, no evidence offered against them on the capital one.
	2	Forgery - - - -	–	2	–	–	–	
TOTAL Committed -	83	Guilty capitally - -	42	20	18	2	3	
		Guilty of a minor offence	20					
		Not guilty - - -	18					
		Discharged for want of prosecution - -	2					
		Escaped from prison before trial - - -	1					
			83					

11 May 1819. *Thomas Morgan*, Prothy.

Appendix, No. 24. - - - -

A RETURN of the Number of Persons, MALE and FEMALE, Committed for Trial for, or Tried for and stating the Result of such Commitments, the Numbers Executed, and the

CRIMES for which they were Committed.	Males.	Females.	CRIMES of which such of them as were Convicted, were severally Convicted.	Not Capital. Males.	Not Capital. Females.	Capital. Males.	Capital. Females.
CITY OF YORK.—Lent Assizes:							
LARCENY, to the Value of 5s. privately in Shop	–	1	- - - - - - - - - - -	–	–	–	–
LARCENY, to the Value of 40s. in a Dwelling-house	–	2	Larceny, to the Value of 40s. in a Dwelling-house	–	–	–	1
BURGLARY	–	1	Larceny	–	1	–	–
YORKSHIRE.—Lent Assizes:							
FELONY, in Letter-Carrier Stealing Bills of Exchange inclosed in a Letter sent by the Post	1	–	- - - - - - - - - - -	–	–	–	–
ACCESSARY to D°, in aiding, &c.	1	1	- - - - - - - - - - -	–	–	–	–
SHEEP Stealing	6	–	Sheep Stealing	–	–	3	–
MURDER	1	1	Manslaughter	1	–	–	–
RAPE	2	–	- - - - - - - - - - -	–	–	–	–
LARCENY, to the Value of 40s. in a Dwelling-house	–	1	Larceny, to the Value of 40s. in a Dwelling-house	–	–	–	1
BURGLARY	5	–	Burglary	–	–	3	–
			Larceny, to the Value of 40s. in a Dwelling-house	–	–	2	–
FELONY, in Shooting at a Person	2	–	Assault	2	–	–	–
FELONY, in Stealing Heifers	1	–	Felony, in Stealing Heifers	–	–	1	–
HIGHWAY Robbery	1	–	Highway Robbery	–	–	1	–
FORGERY	–	1	Forgery	–	–	–	1
			Larceny, to the Value of 5s. privately in a Shop (committed for Larceny only)	–	–	–	1
CITY OF YORK.—Summer Assizes:							
LARCENY, privately from the Person	–	1	Larceny	–	1	–	–
YORKSHIRE.—Summer Assizes:							
RAPE	1	–	Rape	–	–	1	–
ARSON	1	–	- - - - - - - - - - -	–	–	–	–
MURDER	–	2	- - - - - - - - - - -	–	–	–	–
FORGERY	1	–	Forgery	–	–	1	–
BURGLARY	1	–	Larceny, to the Value of 40s. in a Dwelling-house	–	–	1	–
			D° (committed for Larceny only)	–	–	1	–
NEWCASTLE-UPON-TYNE:							
MURDER	1	–	- - - - - - - - - - -	–	–	–	–
FELONY, in being at large before the Expiration of Term of Transportation	–	1	Felony, in being at large before the Expiration of Term of Transportation	–	–	–	1
LARCENY, to the Value of 40s. in a Dwelling-house	1	–	Larceny	1	–	–	–
BESTIALITY	1	–	- - - - - - - - - - -	–	–	–	–
NORTHUMBERLAND:							
MURDER	–	1	- - - - - - - - - - -	–	–	–	–
FELONY, in Shooting at a Person	1	–	- - - - - - - - - - -	–	–	–	–
RAPE	1	–	- - - - - - - - - - -	–	–	–	–
CUMBERLAND:							
FELONY, in Stealing a Cow	1	–	- - - - - - - - - - -	–	–	–	–
SACRILEGE	1	–	- - - - - - - - - - -	–	–	–	–
WESTMORLAND:							
FELONY, in Breaking a Dwelling-house in the Day-time (no person therein) and Stealing to the Value of 5s. therein	1	–	Felony, in Breaking a Dwelling-house, in the Day-time (no Person therein), and Stealing to the Value of 5s. therein	–	–	1	–
HIGHWAY Robbery	1	–	- - - - - - - - - - -	–	–	–	–
	33	13		4	2	15	5

Males Committed	33
Females D°	13
	46
Male Committed for Larceny	1
Female D°	1
TOTAL Committed	48

Males not Capitally Convicted		4
Females, D°		2
Males Capitally Convicted	15	20
Females, D°	5	
Males Acquitted		9
Females, D°		3
Male, no Bill		1
Females, D°		3
Males, no Prosecution		5
Female, D°		1
TOTAL		48

Appendix, No. 24.

Convicted of, CAPITAL OFFENCES, at the several Assizes on the NORTHERN CIRCUIT, in the Year 1804; mitigated Punishments of such as were Capitally Convicted, and not Executed.

Number Executed.		Mitigated Punishment of such as were not Executed.										Acquitted by Verdict of Jury.		Discharged, by reason of no Bill being found.		Discharged, by reason of no Prosecution.	
		Transportation.						Imprisonment in House of Correction.									
		For Life.		14 Years.		7 Years.		2 Years.		1 Year.							
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–
–	–	–	–	–	–	–	1	–	–	–	–	–	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1
–	–	–	–	–	–	2	–	1	–	–	–	1	–	1	–	1	–
–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	2	–	–	–	–	–
–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	3	–	2	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–	–
–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–
–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–
3	–	4	1	2	1	3	1	2	2	1		9	3	1	3	5	1

Males Transported for Life - 4
Female, - D° - - - 1
Males, 14 Years - - - 2
Female, D° - - - - 1
Males, 7 Years - - - 3
Female, D° - - - - 1
Males, House of Correction, 2 Years - - - - 2
Females, - - D° - - 2
Male, 1 Year - - - - 1
TOTAL - - 17

Executed - - - - 3
Mitigated Punishments - - 17
TOTAL CONVICTED - 20

Appendix, No. 25.

A RETURN of the COMMITMENTS, CONVICTIONS, and EXECUTIONS respectively, for each Species of CAPITAL OFFENCE, at the several Assizes on the NORTHERN CIRCUIT, in the Year 1804.

COMMITMENTS.	Males.	Females.	CONVICTIONS.	Males.	Females.	Executions: Males.	Executions: Females
CITY OF YORK.—Lent Assizes:							
LARCENY, to the Value of 5*s.* privately in a Shop	–	1					
LARCENY, to the Value of 40*s.* in a Dwelling-house	–	2	Larceny, to the Value of 40*s.* in a Dwelling-house	–	1	–	–
BURGLARY	–	1					
YORKSHIRE.—Lent Assizes:							
FELONY, in Letter-Carrier Stealing Bills of Exchange inclosed in a Letter sent by the Post	1	–					
ACCESSARY to D°, in aiding, &c.	1	1					
SHEEP Stealing	6	–	Sheep Stealing	3	–	–	–
MURDER	1	1					
RAPE	2	–					
LARCENY, to the Value of 40*s.* in a Dwelling-house	–	1	Larceny, to the Value of 40*s.* in a Dwelling-house	–	1	–	–
BURGLARY	5	–	Burglary	3	–	–	–
			Larceny, to the Value of 40*s.* in a Dwelling-house	2	–	–	–
FELONY, in Shooting at a Person	2	–					
FELONY, in Stealing Heifers	1	–	Felony, in Stealing Heifers	1	–	–	–
HIGHWAY Robbery	1	–	Highway Robbery	1	–	1	–
FORGERY	–	1	Forgery	–	1	–	–
			Larceny, to the Value of 5*s.* privately in a Shop (committed for Larceny only)	–	1	–	–
CITY OF YORK.—Summer Assizes:							
LARCENY, privately from the Person	–	1					
YORKSHIRE.—Summer Assizes:							
RAPE	1	–	Rape	1	–	1	–
ARSON	1	–					
MURDER	–	2					
FORGERY	1	–	Forgery	1	–	1	–
BURGLARY	1	–	Larceny, to the Value of 40*s.* in a Dwelling-house	1	–	–	–
			D° (committed for Larceny only)	1	–	–	–
NEWCASTLE-UPON-TYNE:							
MURDER	1	–					
FELONY, in being at large before the Expiration of Term of Transportation	–	1	Felony, in being at large before the Expiration of Term of Transportation	–	1	–	–
LARCENY, to the Value of 40*s.* in a Dwelling-house	1	–					
BESTIALITY	1	–					
NORTHUMBERLAND:							
MURDER	–	1					
FELONY, in Shooting at a Person	1	–					
RAPE	1	–					
CUMBERLAND:							
FELONY, in Stealing a Cow	1	–					
SACRILEGE	1	–					
WESTMORLAND:							
FELONY, in breaking a Dwelling-house in the Day-time (no person therein) and Stealing to the Value of 5*s.* therein	1	–	Felony, in Breaking a Dwelling-house in the Day-time (no Person therein), and Stealing to the Value of 5*s.* therein	1	–	–	–
HIGHWAY Robbery	1	–					
	33	13		15	5	3	–

Committed, Males – 33
— Females – 13

TOTAL Committed – 46
Committed for Larceny, Male – 1
— Female – 1

48

Males, Convicted – 15
Females, D° – 5

TOTAL Convicted – 20

TOTAL Executed, Males – 3

Appendix, No. 26.

TABLE OF CRIMINAL LAW,

25 Edward III,—to—59 George III.

A. Offences against the State - - - - - - - - - - - - - p. 264

B. Offences relating to Coin - - - - - - - - - - - - - ibid.

C. Homicide; Acts of Personal Violence; Rape, Polygamy, &c. - - - - - p. 265

D. Riots, and Acts of Malice or Violence - - - - - - - - - - p. 266

E. Larceny, Robbery, Burglary, Assaults with intent to rob, &c. - - - - - p. 267

F. Receiving Stolen Goods - - - - - - - - - - - - - p. 269

G. Forgery - - - - - - - - - - - - - - pp. 269 & 270

1. HIGH TREASON - - - - - - *shown by* - ═══
2. MISPRISION of Treason - - - - - - - - ÷
3. FELONY without benefit of Clergy - - - - - I
4. FELONY transportable for life - - - - - - ✠
5. FELONY transportable for fourteen years - - F.t.f.

A Table of Criminal Law.

6. FELONY transportable for 7 years - - *shown by* - F.t.7.
7. FELONY not transportable - - - - - - - - F.n.t.
8. MISDEMEANORS transportable for fourteen years - M.t.f.
9. MISDEMEANORS transportable for 7 years - - - M.t.7.
10. MISDEMEANORS not transportable - - - - - M.n.t.

Began to reign - - - -	1500. Common Law and Statutes previous to HEN. VIII.	1509. HENRY VIII.	1547. ED. VI.	1553. M.	1558. ELIZABETH,	1603. JAMES I.	1625. CHARLES I.	1649. CHARLES II.	1685. JA. II.	1689. WM.	1701. ANNE	1714. GEO. I.	1727. GEORGE II.	1760. GEORGE III.
A. Offences against the State.														
1. TREASON defined - - - - -	25 E. 3. ═══ High Treason – – –	– – – – –	– – –	– – –	– – – – –	– – – – –	– – – – –	– – – – –	– – –	– – –	– – –	– – –	– – – – –	– – – – – –
2. MISPRISION of Treason - - - - -	St. 5. ÷ Misprison of Treason – –	– – – – –	– – –	– – –	– – – – –	– – – – –	– – – – –	– – – – –	– – –	– – –	– – –	– – –	– – – – –	– – – – – –
3. COUNTERFEITING Sign Manual, Great or Privy Seal - - - - -	. .	. . . .	. .	1 Sess. 2 ═══ 6.	– – – – –	– – – – –	– – – – –	– – – – –	– – –	– – –	– – –	– – –	– – – – –	– – – – – –
4. ADDITIONAL Treasons during the life of George III. (*b*) made perpetual - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	. . .	. . .	. . . . .	36 ═══ (*b*) 57 7 { ═══ 6.
5. - - - - - - for protecting The Prince Regent - - - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	. . .	. . .	. . . . .	. . { ═══ 6.
6. ATTEMPTING the life of a Privy Counsellor in the execution of his office - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	9 I 16 Felony without benefit of Clergy	– – –	– – – – –	– – – – – –
7. INLISTING in Foreign Service without the consent of His Majesty - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	. . .	. . .	9 F.n.t. – 30	29 I – – – – – –
8. ACCEPTING Commission from King of France without leave; engaging others to go beyond Sea with intent to be inlisted - - - - - - - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	. . .	. . .	.	I – – – – – – 17
9. ATTEMPTING to seduce Soldiers from their allegiance - - - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	. . .	. . .	. . . . .	37 ═══ – – 70
10. ADMINISTERING unlawful Oaths; (*b*) making act more effectual; (*c*) taking unlawful oaths - - - - - - - - - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	. . .	. . .	. . . . .	37 (*b*) 52 F.t.7. – I 123 – – (*c*) F.t.7. 104
11. TUMULTUOUS petitioning - - - - - - - - - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	13 St. 1. M.n.t. – 5. –	–	– –	– – –	– – –	– – – – –	– – – – – –
12. INCITING to hatred of His Majesty or the government and constitution { (1st offence) (2d offence)	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	. . .	. . .	. . . . .	36 M.n.t. – – M.t.7. – – 7
13. SEDITIOUS Societies - - - - - - - - - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	. . .	. . .	. . . . .	36 57 F.n.t. – – – 8 19
B. Offences relating to Coin.														*This only continued 3 years.*
1. COUNTERFEITING Money - - - - - - - - - - - - -	25 E. 3. ═══ St. 5. – – –	– – – – –	– – –	– – –	– – – – –	– – – – –	– – – – –	– – – – –	– – –	– – –	– – –	– – –	– – – – –	– – – – – –
2. (*a*) D° - - Foreign Coin current within the Realm (*b*) Importing D° - - - - - - - - -	. .	. . . .	. .	(*a*) (*b*) 1.-1 & 2 Sess. 16 ═══ 11	– – – – –	– – – – –	– – – – –	– – – – –	– – –	– – –	– – –	– – –	– – – – –	– – – – – –
3. COUNTERFEITING Foreign Coin not current (*See* N° 10) - - - - - -	. .	. . . .	. .	.	14 ÷ 3 – – –	– – – – –	– – – – –	– – – – –	– – –	– – –	– – –	– – –	– – – – –	– – – – – –
4. (*a*) CLIPPING, washing, filing the Coin; (*b*) Impairing, diminishing, scaling, &c. -	. .	. . . .	. .	.	(*a*) 5 (*b*) 18 ═══ 11 1	– – – – –	– – – – –	– – – – –	– – –	– – –	– – –	– – –	– – – – –	– – – – – –
5. POSSESSION of coining Implements, or removing them from the Mint, milling counterfeit or diminished money, washing blanks - - - - - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	– – –	– – –	– – – – –	– – – – – –
6. BLANCHING Copper for Sale;—Receiving or paying Counterfeit money at less than denomination - - - - - - - - - - - - -	. .	. . . .	. .	.	. . . . .	. . . . .	. . . . .	. . . . .	.	. .	8 & 9 ═══ F.n.t. 26 – –	– – –	– – – – –	– – – – – –

[*N. B.—The Dots* . . . . *lead up to the Reign when the Act commenced; and the short Strokes* – – – – *to the period of the Act's continuance.*]

1. HIGH TREASON - - - - - - *shown by* - ═══
2. MISPRISION of Treason - - - - - - - - ÷
3. FELONY without benefit of Clergy - - - - I
4. FELONY transportable for life - - - - - - - ✠
5. FELONY transportable for fourteen years - - F.t.f.

The Table of Criminal Law—*continued.*

6. FELONY transportable for 7 years - - *shown by* - F.t.7.
7. FELONY not transportable - - - - - - - - - F.n.t.
8. MISDEMEANORS transportable for fourteen years - M.t.f.
9. MISDEMEANORS transportable for 7 years - - M.t.7.
10. MISDEMEANORS not transportable - - - - - - M.n.t.

	1500.	1510.	1520.	1530.	1540.	1550.		1560.	1570.	1580.	1590.	1600.	1610.	1620.	1630.	1640.	1650.	1660.	1670.	1680.		1690.	1700.	1710.	1720.	1730.	1740.	1750.	1760.	1770.	1780.	1790.	1800.	1810.
Began to reign - - - - -	Common Law & Statutes - - - - - previous to HEN. VIII.	HENRY VIII. 1509.				ED. VI. 1547.	M. 1553.	ELIZABETH, 1558.					JAMES I. 1603.		CHARLES I. 1625.		CHARLES II. 1649.				JA. II. 1685.	WM. 1689.	ANNE 1701.	GEO. I. 1714.	GEORGE II. 1727.			GEORGE III. 1760.					
B.—*Offences relating to Coin*—continued.																																		
7. GILDING Silver Coin to look like Gold, or Copper to look like Silver - - -																										15 ═══ High Treason								
8. (*a*) KNOWINGLY uttering Counterfeit Money;—(*b*) Additional punishment for common utterers;—(*c*) 3d offence;—(*a*) or 2d (*b*) - - - - - - - - -																										M.n.t. – – – – – – – – (*a*) (*b*) (*c*) ═══ – – – – – – – – – (*c*)										
9. COUNTERFEITING Copper Coin;—(*b*) do make Felony;—(*c*) extended to coin current by proclamation - - - - - - - - - -																										2 Y. imp*t*. M.n.t. – – 28				11 F.n.t. – – – 40				
10. COUNTERFEITING foreign Coin (*See* N° 3;) bringing in D° with intent to utter -																														– – – – –				
11. UTTERING counterfeit foreign Money (*a*) 1st & 2d offence - - - - - (*b*) 3d - - d° - - - - - - (*c*) possession of d° - - - - -																															37 F.t.7. – F.n.t. – ═══ – – M.n.t. – 126				
12. EXPORTATION of base Coin to West Indies or America - - - - - -																																	38 M.n.t. – 67		
13. COUNTERFEITING foreign Copper Coin 1st offence - - - - - - - 2d offence - - - - - -																																	43 M.n.t.– M.t.7.– 139		(*b*)
C. Homicide; Acts of Personal Violence; Rape; Polygamy; etc.																																			
1. PETTY Treason by Person not in Orders - - - - - - - - - -	F.n.t. –							23 ═══ 1 Felony without benefit of Clergy – –																												
2. LAY Person murdering his Master - - - - - - - - - - - -	12 H.7 ═══ 7																																		
3. MURDER by Persons not in Orders: (*b*) generally: (*c*) Accessaries - - - -					23 ═══ 1		(*b*) 1 ═══ 12 4		(*c*) 4 & 5 ═══ 4																												
4. MANSLAUGHTER - - - - - - - - - - - - - - -	F.n.t. –																																		
5. STABBING - - - - - - - - - - - - - - - -																	1 ═══ 8																		
6. CONCEALING birth of Bastard evidence of Murder: (*b*) D° repealed punishment for concealing found on trial for murder - - - - - - - - - -																		21 ═══ 27															43 M.t.7. 58		
7. MALICIOUS maiming in certain cases: (*b*) Shooting at Person: (*c*) D° or drawing trigger; &c. *See* (8) - - - - - - - - - - - - - -																			22 & 23 ═══ 1				9 (*b*) – 22											(*c*) –
8. CUTTING or Stabbing *with intent* to murder, rob, maim, &c. or do grievous bodily harm - - - - - - - - - - - - - -																																			═══ –
Administering Poison with intent to murder, or Draught to cause abortion where woman quick with Child - - - - - - - - - - - -																																			═══ –
Administering Poison, or using Instrument or means to cause miscarriage of woman not quick with Child - - - - - - - - - - - -																																			F.t.7. 58
9. RAPE - - - - - - - - - - - - - - - - -	F.n.t. –			(Qy?) – –								18 ═══ 7																							
10. FORCIBLE MARRIAGE - - - - - - - - - - - -	3 H.7. F.n.t. – 2															39 ═══ 9																		
11. TAKING Maid from Father or Guardian, in certain cases - - - - - -									4 & 5 M.n.t. – – – – 8																										
12. POLYGAMY - - - - - - - - - - - - - - -																	1 F.n.t. – – – – 11															35 F.t.7 – – 67		
13. SODOMY - - - - - - - - - - - - - - - -				25 ═══ 6						5 ═══ 17																									

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	1500.	1510.	1520.	1530.	1540.	1550.	1560.	1570.	1580.	1590.	1600.	1610.	1620.	1630.	1640.	1650.	1660.	1670.	1680.	1690.	1700.	1710.	1720.	1730.	1740.	1750.	1760.	1770.	1780.	1790.	1800.	1810.
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D. Riots, and Acts of Malice or Violence.

Riots:

1. RIOTERS not dispersing after Proclamation; demolishing Church, Chapel or issenting Meeting; House, barn, stable or outhouse - - - - - - — 1 I 5
2. DEMOLISHING Mills or works thereto belonging - - - - - - - — 9 I 29
3. DEMOLISHING Buildings and Engines used in trade or manufactory, or in which goods are warehoused - - - - - - - - - - - - — 52 I 130
4. DEMOLISHING Engines, Waggon-ways or Buildings, belonging to Mines.—*See* (c.) 11 - - - - - - - - - - - - - — 56 F.t.f. 125

Arson:

1. WILFUL burning Dwelling Houses or Barns with Corn, by layman - - - — 23 I 1
2. AIDING and assisting D° (Principals included by implication) - - - - — 4 & 5 I 4 Felony without benefit of Clergy —
2. (*b.*) BURNING or destroying Arsenals, magazines, dock-yards, military stores, &c. — 12 I 24
3. MALICIOUS burning in the night stacks of corn or hay, barns, houses, buildings or kilns: (*b.* option) - - - - - - - - - - - - — 22 & 23 I (b) F.t.7. 7.
4. SETTING Fire to House, barn, outhouse, hovel, cock, mow or stack of hay, corn or wood: (Black Act, *see infra*, c. 2.) - - - - - - - - - — 9 I 29
5. SETTING Fire to Coal Mines - - - - - - - - - - - - — 10 I 32
6. SETTING Fire to Ships: (*see* D.)
7. SETTING Fire to House, barn, hopoast, malthouse, stable, coach-house, outhouse, mill or shop in possession of offender or other person, with intent to defraud or injure - - - - - - - - - - - - - - - — 43 I 58
8. SETTING Fire to Buildings or Engines (*ut supra*, A. 3.) - - - - - - — 52 I 3

Acts of Violence, &c. (see E. 11.*) not attended with Riot or Arson:*

1. KILLING or destroying Horses, sheep or cattle, in the night: (*b.* option) - - — 22 & 23 I (b) F.t.7. 7.
2. BLACK ACT (*a*) killing, maiming or wounding cattle: (*b*) cutting down trees in certain cases: (*c*) breaking down mounds of fish pond, &c.: (*d*) sending letter without name, demanding money, &c. (*See* 9) (*e*) armed and disguised, appearing in, &c. forest, &c. and hunting the deer, or robbing warrens, or stealing fish - - — 9 I 29
3. }
4. } DESTROYING Turnpikes (*repealed by* general provisions of 7 Geo. 3.) - - — 1 F.n.t. 19 — 5 F.t.7. 33 — 8 I 20
5. }
6. DEMOLISHING Locks, &c. of navigable river - - - - - - - — 1 F.t.7. 19 — 8 I 20
7. CUTTING down Sea banks or banks of river;—cutting hop-binds - - - — 6 I 37

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	1500.	1510.	1520.	1530.	1540.	1550.	1560.	1570.	1580.	1590.	1600.	1610.	1620.	1630.	1640.	1650.	1660.	1670.	1680.	1690.	1700.	1710.	1720.	1730.	1740.	1750.	1760.	1770.	1780.	1790.	1800.	1810.
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c. *Acts of Violence, &c.*—continued.																																
8. CERTAIN acts to prevent exportation of Corn: (*b*) to prevent inland carriage of D° - - - - - - - - - - 1st offence - - -																								11 M.n.t. - -				(*b*) 36 - - -				
2d offence, or Destroying Granary, entering granary, strewing about or spoiling the corn - - - - - - - - - - - - - - -																								F.t.7. - - 22				- - -			9	
9. ANONYMOUS Letters threatening to murder, burn houses or barns, although no demand - - - - - - - - - - - - - - -																									27 I 15			- - - - -				
10. BREAKING into certain Buildings with intent to steal out or destroy linens, yarn, &c. in looms, tools or implements; cutting, &c. linen laid to bleach: (*see* 12 and 13) - - - - - - - - - - - - - - -																												4 I 37 - - - - -				
11. SETTING Fire to, demolishing, pulling down, &c. fire engines or other works of Mines: (*see* A. 4.) or fences inclosing commons pursuant to act of Parliament -																												9 F.t.7. 29 - - - -				
12. BREAKING into House, shop, &c. with intent to destroy goods or tools, in woollen, silk, linen, or cotton manufactures; cutting or destroying d° (*see* 11. 13) - -																													22 I 40 - - -			
13. SIMILAR offences in Stocking manufactory - - - - - - - - -																															52 54 57 I F.t.7. I 16 42 126		
14. SENDING or delivering Letters threatening to accuse of crime with a view to extort money - - - - - - - - - - - - - - -																										30 M.t.7. 24				- - - - -		
D. *Piracy, or malicious Injury to Ships, &c.*																																
1. (*a*) PIRACY, robbery, felony, murther and conspiracy at sea: (*b*) D° under commission from foreign prince: (*c*) Trading, corresponding with or assisting pirates: (*d*) Assisting enemy at sea to be deemed Piracy - - - - - - - -				27 I 4	Felony without benefit of Clergy - -																	(*b*) 11 & 12 I 7		(*c*) 8 I 24	(*d*) 18 I 30									
2. MASTER or Mariner casting away, burning or destroying ship - - - - -																22 & 23 F.n.t. 11					1 I 9										
3. D° - - - - to defraud Insurer or lader of goods - - - - - - - -																					4 I 12	11 I 29							43 I 113		
4. BURNING ship keel or other vessel - - - - - - - - - -																																
Maliciously destroying, &c. otherwise than by Fire - - - - - - - -																													33 I F.t.7. 67 - - -			
Casting away, burning or destroying ship or vessel, with intent to defraud owner of ship or goods or insurers (*see* N° 3.) - - - - - - - - - -																																
5. MAKING holes in ship in distress, stealing pump, or doing any other thing tending to loss or destruction;—(*b*) plundering goods from wreck, obstructing persons endeavouring to save their lives; putting out false lights to bring vessel into danger - - - - - - - - - - - - - - -																						12 st. 2. I 18							43 I 113			
																										(*b*) 26 I 19						
E. Larceny, Robbery, Burglary, Assaults with intent to rob, etc.																																
1. ROBBING Church;—Persons in dwelling-houses, the owner, his wife or children being within and put in fear; highway robbery by laymen - - - - - -				23 I 1	-																											
2. BREAKING into houses any person being therein and put in fear - - - -						1 I 12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3. ROBBING house, the owner, wife or servants being within, whether asleep or awake - - - - - - - - - - - - - - -						2 & 3 I 33	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4. D° - - - booth or tent - - - - - - - - - - -						5 & 6 I 9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5. ROBBING house in daytime of the value of 5/ although no person therein - -										39 I 15		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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E. *Larceny, Robbery, Burglary, Assaults with intent to rob, &c.*—continued.																																
6. TAKING Goods in dwelling house, any person therein and put in fear;—robbing dwelling house in daytime any person being therein;—assisting to break dwelling house, shop or warehouse belonging thereto, and stealing value 5/ although no person therein - - - - - - - - - - - - - - - -	. .	. . . .				. .	.	. . . .				. .		. . . .			. . . .			.	3 I 9	- -	- -	- -	- - -			- - - - - -				
7. BURGLARY - - - - - - - - - - - - - - - -	F.n.t. Felony not transportable					-	-	- 18 I 7 Felony without benefit of Clergy				- -		- - - -			- - -			-	-	- -	- -	- - -			- - - - - -				
8. D° — in breaking out after committing Felony - - - - - - - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	.	12 I 7	- -	- - -			- - - - - -				
9. ROBBING Church - - - - - - - - - - - - - - - -	. .	. . . .				I	-	- - - - -				- -		- - - -			- - -			-	-	12 I 7	- -	- - -			- - - - - -				
10. STEALING from Dwelling house value 40/ - - - - - - - - - - - - - - - -	. .	. . . .				.	(b) 4 & 5	. . . .				. .		. . . .			. . .			.	.	- -	- -	- - -			- - - - - -				
11. ROBBERIES in dwelling houses, or in or wt highways; (b) Accessaries D° - -	. .	. . . .				I	I 11	- - - -				- -		- - - -			- - -			-	-	- -	- -	- - -			- - - - - -				
12. ROBBING any Person - - - - - - - - - - - - - - - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	3 I 9	- -	- -	- - -			- - - - - -				
13. STEALING from the Person - - - - - - {(a) privately (b) generally} - -	. .	. . . .				.	.	8 I 4 - - -				- -		- - - -			- - -			-	-	- -	- -	- - -			- - - - - -			48 ✠ 129	-
14. STEALING privately value 5/ in shop, warehouse, coachhouse, or stable - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	10 & 11 I 23	- -	- -	- - -			- - - - - -				
15. STEALING from ship in navigable river or creek, value 40/ - - - - - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	.	. .	. .	. .	24 I 45		- - - - - -				
16. SERVANTS embezzling master's goods value 40/ - - - - - - - - -	. .	. .	21 F.n.t. 7	27 I	-	rep.	5 F.n.t. 10	- - -				- -		- - - -			- - -			-	-	- -	4 F.t.7. 11	- -	- - -			- - - - - -				
17. STEALING horses (one horse (b) Accessaries to D° - - - - - - - -	. .	. .	. .	37 I 8	(b) 1 I 12	(b) 2 & 3 I 33	-	- - -			(b) 31 I 12	- -		- - - -			- - -			-	-	- -	- -	- - -			- - - - - -				
18. SHEEP or other Cattle;—(b) explanation of Cattle - - - - - - - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	.	. .	. .	. .	(b) 14 I 6	15 I 34	- - - - - -				
19. EMBEZZLING arrears, victual, &c. for Soldiers;—(b) option - - - - - -	. .	. . . .				.	.	31 F.n.t. 4 - -				- -		- - - -			22 I (b) F.t.7. 5 - - -			-	-	- -	- -	- - -			- - - - - -				
20. STEALING cloth from the rack - - - - - - - - - - - - - - - -	. .	. . . .				.	.	. . . .				. .		. . . .			22 I (b) F.t.7. 5 - - -			-	-	- -	- -	- - -			- - - - - -				
21. STEALING linen from bleach ground; (b) option; (c) late alteration of law -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	.	. .	. .	. .		18 I F.t.f. 27 - - - -			51 ✠ 41	-
22. COMMON Larceny - - - - - - - - - - - - - - - -	F.n.t. -	- - -				-	-	- - - -				- -		- - - -			- - -			-	-	- -	4 F.t.7. 11	- -	- - -			- - - - - -				
23. BILLS, Notes, &c. Capital or not in same cases as other property - - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	.	. .	. .	2 F.t.7. 25	- -		- - - - - -				
24. LEAD, &c. affixed to house or buildings;—(b) explanation of D° - - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	.	. .	. .	4 F.t.7. 32	- -		- - - - (b) 21 68 - -				
25. ENTERING mines to steal black lead; stealing D° - - - - - - - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	.	. .	. .	. .	25 F.t.7. 10		- - - - - -				
26. EMBEZZLEMENT by servants of Bank;—(b) or S.S. Company - - - - - -	. .	. . . .				.	.	. . . .				. .		. . . .			. . .			.	.	. .	. .	. .	15 I 13	(b) 24 I 11	- - - - - -				

[*The Dots* . . . . *lead up to the year of the Reign when the Act commenced; and the short Strokes* - - - - *to the period of the Act's continuance.*]

1. HIGH TREASON - - - - - - *shown by* - ═══
2. MISPRISION of Treason - - - - - - - - - ÷
3. FELONY without benefit of Clergy - - - - I
4. FELONY transportable for life - - - - - - ✠
5. FELONY transportable for fourteen years - - - F.t.f.

The Table of Criminal Law—*continued.*

6. FELONY transportable for 7 years - - - *shown by* - F.t.7.
7. FELONY not transportable - - - - - - - - - F.n.t.
8. MISDEMEANORS transportable for fourteen years - M.t.f.
9. MISDEMEANORS transportable for 7 years - - - M.t.7.
10. MISDEMEANORS not transportable - - - - - - M.n.t.

	1500.	1510.	1520.	1530.	1540.	1550.	1560.	1570.	1580.	1590.	1600.	1610.	1620.	1630.	1640.	1650.	1660.	1670.	1680.	1690.	1700.	1710.	1720.	1730.	1740.	1750.	1760.	1770.	1780.	1790.	1800.	1810.
Began to reign - - - -	Common Law & Statutes - - - - - previous to HEN. VIII.	HENRY VIII. 1509.				ED. VI. 1547.	M. 1553.	ELIZABETH, 1558.				JAMES I. 1603.		CHARLES I. 1625.			CHARLES II. 1649.			JA. II. 1685.	WM. 1689.	ANNE 1701.	GEO. I. 1714.	GEORGE II. 1727.			GEORGE III. 1760.					
Larceny, Robbery, Burglary, Assaults with intent to rob, &c.—continued.																																
27. EMBEZZLEMENT by clerks, servants, &c. of money received for master's use -																														39 F.t.f.	–	–
28. BREAKING into manufactories with intent to steal cloth, &c. (*see* D. c. 10.) - -																												4 I 37	–	–	–	–	–
29. CERTAIN Assaults with intent to rob - - - - - - - - - -																								7 F.t.7. 21	–	–	–	–	–	–	–	–
30. CHILD Stealing - - - - - - - - - - - - - - -																															54 F.t.7. 101	–
31. STEALING Fish and rabbits in certain cases - - - - - - - - -																												5 F.t.7. 14	–	–	–	–
— — Oysters - - - - - - - - - - - - - - -																															48 F.t.7. 144	–
— — Deer - - - - - - - - - - - - - - -																															51 F.t.7 120	–
F. Receiving Stolen Goods.																																
1. ACCESSARIES - - - - - - - - - - - - - -																					3 F.n.t. 9	–	–	4 F.t.f. 11	–	–	–	–	–	–	–	–
2. (*a*) MISDEMEANORS where principal not amenable;—(*b*) whether principal amenable or not (except lead, iron, &c.) - - - - - - - -																						1 M.n.t. 9	–	–	–	–	–	–	(*b*) 22 M.n.t. 58	–	–
(*c*) — — — Lead, iron, copper, brass, metal, &c. (c. 2) pewter - -																										29 M.t.f. 30	–	–	–	–	–	–
(*d*) — — — under bum-boat act - - - - - - - - - -																												2 M.t.f. 28	–	–	–	–
3. JEWELS, plate, watches, stolen by burglary or highway robbery, triable before principal, whether principal is in or out of custody - - - - - - - -																												10 F.t.f. 48	–	–	–	–
G. Forgery.																																
1. AT COMMON LAW - - - - - - - - - - - - -	M.n.t. Felony not transportable	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
2. ADDITIONAL punishment in certain cases;—(*b*) 2d offence - - - - -							5 F.n.t. – – (*b*) I 14 Felony without benefit of Clergy	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
3. LEVYING fine, suffering recovery, or acknowledging bail in the name of another -											21 I 26	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
4. FORGING or uttering certain instruments to defraud South Sea Company - -																						9 I 21	6 I 24	–	–	–	–	–	–	–	–	–
5. D° — — D° — — London or Royal Exchange Assurance - - -																							6 I 11	–	–	–	–	–	–	–	–	–
6. D° — — (*see* 12 *b.*) — power to transfer stock of company established by act of parliament, or to receive dividends, false personating for d° - -																							8 I 22	–	–	–	–	–	–	–	–	–
7. D° — Instruments respecting money in office of Accountant General, E. I. or S. S. bonds - - - - - - - - - - - - - -																							12 I 32	–	–	–	–	–	–	–	–	–
8. D° — Deed, will, bond, bill of exchange, premium, note, indorsement of d°, receipt for money or goods with intent to defraud any PERSON - - - -																								2 I 25	–	–	–	–	–	–	–	–

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	1500.	1510.	1520.	1530.	1540.	1550.	1560.	1570.	1580.	1590.	1600.	1610.	1620.	1630.	1640.	1650.	1660.	1670.	1680.	1690.	1700.	1710.	1720.	1730.	1740.	1750.	1760.	1770.	1780.	1790.	1800.	1810.
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G. *Forgery.*—continued.																																
9. FORGING Mediterranean pass - - - - - - - - - - - -																								4 I 18	–	–	–	–	–	–	–	–
10. D° — Acceptance of bill, accountable receipt, &c. to defraud PERSON - -																								7 I 22	–	–	–	–	–	–	–	–
11. D° — Bank note or bill, dividend warrant, bond of B. E. indorsement - - -																									15 I 13	–	–	–	–	–	–	–
12. D° (*a*) Lottery tickets - - - - - - - - - - - -																										31 I 22	–	–	–	–	–	–
D° (*b*) Offences (No. 6, supra) extended to funds newly established - - -																																
13. PERSONATING pensioner of Greenwich hospital - - - - - - -																											3 I 16	–	–	–	–	–	–
14. FORGERY, &c. for transfer of stock, &c. (*see* 6, 12 (*b*) - - - - - -																											4 I 25	–	–	–	–	–
15. FORGERY, &c. instruments for receiving seamen's wages or prize money (*see* 19) -																											9 I 30	–	–	–	–	–
16. MAKING or having in possession certain implements, paper, &c. for forging bank notes (*see* 22.) - - - - - - - - - - - -																											13 I 79	–	–	–	–	–
17. D° — engravings to appear like bank notes - - - - - - - -																																
18. FORGING or uttering acceptance or accountable receipt, &c. to defraud CORPORATION (*see* 10.) - - - - - - - - - - - -																											18 I 18	–	–	–	–	–
19. D° — seamen's tickets for wages; (*see* 15) - - - - - - - -																											32 I 33	–	–	–	–	–
20. D° — transfer of stock in names of persons not owners; (*b*) transferring generally; (*c*) false entries in books of bank - - - - - - - - - - -																											33 F.t.7. 30	–	–	–	–	–
21. D° — making false dividend warrants - - - - - - - - -																											33 F.t.7. 30	–	–	–	–	–
D° — names of witnesses to transfer of stock - - - - - - - -																											37 F.t.f. 122					
22. DEVICES for imitating bank paper (*see* 16) possession of forged notes; (*b*) for forging bank engravings - - - - - - - - - - - -																											41 F.t.f. 39	45 I 89				
23. D° — for forging notes of private bankers - - - { 1st offence - - / 2d offence - -																											41 M.n.t. – / M.t.7. – 57					
24. FORGING, offering, disposing of, or putting away, will, bond, bill, note, indorsement, acceptance, receipt, or other security, warrant or order, bank notes, dividend warrants, and to defraud Person or CORPORATION - - - - - - - -																											45 I – 89					
25. OTHER devices for imitating bank notes, or bank post bills - - - - - -																											52 F.t.f. 138					
26. FOREIGN bills of exchange, promissory notes or undertakings, (not to affect former provisions) - - - - - - - - - - - - -																											43 F.t.f. – / M.n.t. –					
— IMITATING engravings, &c. for D°; - (*b*) 2d offence - - - - - -																											(*b*) M.t.f. – 139					

To supply: H. *Felonies relating to the Revenue.* —— I. *Miscellaneous and incidental Felonies.* —— K. *Misdemeanors transportable, or requiring special Notice.*

2/3

REPORT

FROM THE

SELECT COMMITTEE

ON

The Criminal Law of England.

Ordered, by The House of Commons, *to be Printed,*
2 *April* 1824.

THE REPORT - - - - - - - - - - - - p. 3.
THE APPENDIX - - - - - - - - - - - - p. 5.

REPORT.

THE SELECT COMMITTEE appointed to consider the expediency of consolidating and amending the CRIMINAL LAW of *England*, and to report the same, with their Observations thereupon to the House; and who were empowered to report their Opinion and Proceedings from time to time to The House;—HAVE made a Progress in the matter to them referred; and have agreed to the following REPORT.

YOUR Committee having called before them *Anthony Hammond*, Esquire, of the Inner Temple, he submitted to them the Papers marked N^os^ 1, 2, 3, and 4, which form the Appendix to this Report; and having maturely considered the same, Your Committee came to the following RESOLUTIONS:

1. *Resolved*,

THAT it is the Opinion of this Committee, That it is expedient that the Statutes relating to the Criminal Law, should be consolidated under their several heads.

2. *Resolved*,

THAT the Chairman be directed to move for leave to bring in Bills, pursuant to the above Resolution, consolidating the Criminal Law, without any amendment or alteration.

3. *Resolved*,

THAT it is expedient that certain omissions and anomalies in the present state of the Criminal Law be brought under the consideration of the House, with a view to remedy the same by Legislative Provisions.

4. *Resolved*,

THAT the Chairman be directed to move for leave to bring in Bills, supplying such omissions, and remedying the existing anomalies; such amending Bills to be wholly distinct from the consolidating Bills.

2 *April* 1824.

LIST.

N° 1.—Mr. Hammond's Introductory Observations - - - - - p. 5.

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N° 4.—Plan upon which the Law of Forgery has been consolidated - - 245.

General Enactments - - - - - - - - - - 251.

Bank Enactments - - - - - - - - - - 267.

APPENDIX.

—No. 1.—

INTRODUCTORY OBSERVATIONS.

N° 1.
Mr. Hammond's Statement.

THE Measure which I have the honour to submit to this Committee was projected by me several years ago, since which period I have been occupied in bringing it to that complete state at which it has now arrived.

The measure contemplated has two distinct objects :—1° The Amendment of the Criminal Law; 2° The Consolidation of the Criminal Law. And so entirely distinct in its nature is each Proposition from the other, that the propriety and practicability of each must be considered isolated and by itself; nor can the rejection of the one involve the condemnation of the other.

And First, as to Amending the Criminal Law.

1°. Every person performing an action, not only attains some end or purpose; he employs certain means for attaining it. Now the law, in defining what actions shall be criminal, makes a description of the means employed a part of the definition; so that an action attaining the same end with one denounced, but employing different means, though equally reprehensible, yet, from not squaring with the terms of the definition, is not punishable.

To illustrate this doctrine by a single instance: The end which the successful forgery of a will attains, is to divert property from that channel in which either the deceased proprietor intended it should go, or the law itself would have directed it. The end which the destruction of a will attains, is to divert property from that channel in which either the deceased proprietor intended it should go, or the law itself would have directed it. The ends, therefore, of the two actions are the same; yet, from the cause already noticed, the latter is not punishable *.

To supply this deficiency, by bringing these omitted cases within the letter, as they are within the principle, of the existing law, is one branch of the Proposition for Amending the Criminal Law.

2°. Again: To the perfection of a Criminal Law the rule must be so framed as to embrace the whole of those cases to which its principle applies. To the perfection, therefore, of a Criminal Law, the power of foreseeing every combination of circumstance that should be the subject of its operation is essential; a faculty withheld from human nature. Penal laws, therefore, in their definitions of crime, are, at the first, necessarily imperfect. By watching, however, the course of events, and enlarging the definitions pursuant to its dictates, these imperfections might from time to time be gradually corrected. But the little attention which criminal jurisprudence engages, compared with civil, occasions the definitions to remain, for the most part, in their original state. There is no individual who, in some way or other, is not affected by the regulations of the Civil Code, and thus a continual interest is kept alive for its improvement; but the provisions of the Criminal Code are of a dormant nature till called into action; and the greater part of mankind pass through life without being exerted to call for their interposition: and even where public spirit, the self views of a corporate body, or any other accidental cause, has induced

* The few cases in which the destruction of a will has been made the subject of an indictment, are all cases of Conspiracy, and so charged.

N° 1. Mr. Hammond's Statement.

a legislative amelioration of the primitive rule, the same causes which occasioned the deficiency at the first have made the amendment but a step towards perfection.

To illustrate this doctrine by the amending Clauses of the Draft Bill, consolidating and amending the Law of Forgery, forming No. 3 of the Papers annexed; a branch of Criminal Jurisprudence, to which more of the public attention has been directed than to any other, and which therefore may fairly be supposed to be more perfect than any other.

The deficiencies amended by this Forgery Bill are as follow:

1. Crimes originate from one of two motives: 1°, The desire of benefiting ourselves; 2°, The desire of injuring our fellow creatures. Motives of the first class are called fraudulent; those of the second malicious. Now with the exception of three learned persons, the authorities in defining forgery make a fraudulent intention an essential term of the definition. Forgeries, therefore, induced by a malicious motive (fabricating for example another's signature to a traitorous letter, with the view of bringing his life into jeopardy) are not punishable. And to remedy this deficiency is the object of the first amending clause.

2. The ends attained by falsely personating another, and by forging his signature, are the same, and the motive inducing either equally criminal. It seems, however, to be altogether doubtful*, whether at common law false personation is a crime. And though the Statute Law has made it criminal in a variety of cases, yet neither are the whole embraced, nor any, as it seems, which are induced by a malicious motive. To remedy these deficiencies is the object of the second amending clause.

3. An intention to defraud a private individual, and an intention to defraud a corporate body, are equally criminal; and the consequences, when carried into execution, at least equally mischievous. Yet from the doctrine that a corporation is not a person, and from the enactments against Forgery frequently using the term person only, forgeries in fraud of a corporation are not within the terms of an enactment. To supply this accidental omission is the object of the third amending clause.

4. Enactments against Forgery, in particularizing the specific writings which shall be the subjects of their provisions, designate them as bills of exchange, promissory notes, deeds, wills, and so forth, seldom adding 'or resemblance of the same.' Now as a writing is not entitled to the name of a bill of exchange, promissory note, deed, will, and so forth, where it is wanting in certain formalities which the law has prescribed for instruments of the particular kind, it is questionable whether a forged writing resembling a genuine instrument, but wanting in some trifling formality, is within the enactment. The motives which induce fabrications, formal and informal, are the same; and the mischief (as far as the public are concerned,) consequent on each, is similar likewise. Hence, to clear up this doubt (by making the two species of fabrication equally criminal) is the object of the fourth amending clause.

5. The act of passing off the bill of an insolvent, representing it as the bill of an eminent merchant of the same name, is equally criminal, and in its effects equally mischievous with the act of forging the merchant's signature to the bill. Yet in consequence of the doctrine, "that to be a forgery the writing must be false," such offence is not within the enactments against forgery. To remedy this deficiency is the object of the fifth amending clause.

6. It seems that the act of delivering a forged writing to an accomplice, in order that he may pass it off, is not within an enactment against uttering forged writings '*as true*.' Yet the guilt and mischief are the same as where the deliverer himself passes it off. Hence, to remedy this deficiency, is the object of the sixth amending clause.

7. The rule, that in prosecutions for forgery, the circumstance that the instrument, if genuine, would subject a person to loss or liability, renders him an incompetent witness, is agreed by all to be an anomaly, without any foundation in reason to

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* That it is not indictable seems to follow from the general principle which governs cases of fraud,—that the dupe might have secured himself by ordinary caution; the reasonableness of which principle is controverted *infra*.

support

support it. To remove this anomaly, with the inconveniences which it produces, is the object of the seventh amending clause.

8. The term 'order,' in the 7 G. 2, c. 22, is taken strictly, and limited to instruments which, either from their purport, or from the authority which in point of fact the drawer is entitled to assume, are compulsory upon the party addressed, leaving him no option to assent or refuse. Yet fabricating an order which is not compulsory, is equally criminal, and in its effects equally mischievous as where it is. To remedy this deficiency is the object of the eighth amending clause.

9. That a promissory note may fall within the 2 G. 2, c. 25, s. 1, it must be for payment of money only, and not in the alternative, for that or something else. Yet fabricating an absolute and an alternative contract are equally criminal, and in their effects almost equally mischievous. To remedy this deficiency is the object of the ninth amending clause.

10. A question has been raised, but not determined, whether indorsing a bill in the prisoner's own name, falsely stating that it is done by authority of the payee, is forging an indorsement within the 2 G. 2, c. 25, s. 1; 31 G. 2, c. 22, s. 78; and 45 G. 3, c. 89, s. 1. To settle this question in the affirmative is the object of the tenth amending clause.

3°. Again: Of the numerous offences classed by the Roman Law as public crimes, a large proportion were treated at the first as civil injuries only; and when the alteration was made, from inattention to the difference between a civil and a criminal proceeding, rules hitherto applied to the civil proceeding were improperly extended to the criminal. By a civil proceeding against the author of an injurious action, a particular person seeks to redress his individual grievance; and it is reasonable to reject his suit, where ordinary circumspection would have made him secure. But to defeat a criminal prosecution for the self same act, because the immediate sufferer might, with due caution, have escaped, is erroneous, since the object is, not to avenge his wrongs, but to remove an evil felt by the whole community. Into this error, however, the Roman Law has fallen, and the English Criminal Law, of which the other is the basis, has followed the example.

To illustrate this doctrine by the case of Fraud:

The rule is settled to be—That Frauds, when aimed at private individuals, and the effects of which are limited to a single instance, are not indictable at common law, unless they are such as would dupe a person of ordinary circumspection. The origin of which rule may be stated thus: Fraud was not recognized as a crime at common law till after the statute of the 33 Hen. 8, c. 1. In certain cases, however, it was redressed as a civil injury at a much earlier period; in those cases, namely, where ordinary circumspection would not have detected the imposture; but in those only, since *vigilantibus, non dormientibus, serviunt leges.* Now in crimes against private persons, the sufferings of the individual are what chiefly draw attention; and, in consequence, the criminal suit comes to be regarded as a mode of avenging his wrongs. Hence we are naturally led to consider the crime and the civil injury in a similar light; and when, therefore, we recognize as a crime what for some time past has been recognized as a civil injury, it naturally happens that we associate with the crime those qualities which are already associated with the civil offence. Hence the origin of the rule. As to its foundation in reason, it may be difficult to discover any. It is not defensible on the reason which induced it, since the ends of a civil and a criminal proceeding are altogether different. Add to which, that the great public mischief against which penal laws are levelled, the corruption of the criminal and of others, is not in any degree varied by the varying nature of the means employed. And its inconveniences are very considerable, from rendering so indefinite the test of crime. And accordingly, to remedy the inconveniences introduced by this rule, in the particular case of Fraud, seems the object of the 30 Geo. 2, c. 24, as amended by the 52 Geo. 3, c. 54.

To correct this palpable error, resulting as it does from resembling a criminal to a civil prosecution, and viewing it as a mode of redressing, or rather avenging, the individual sufferer, is another branch of the Proposition for Amending the Criminal Law.

4°. The deficiencies hitherto observed are discoverable on viewing a penal law isolated and by itself. Others are made apparent on a comparison of two or more penal

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penal laws together. For if the subjects of the two are in the strictest analogy, and the comparison shows that a difference has been made in their sanctions or otherwise, unless some reason can be given for this distinction, it is necessarily a defect. For example: the means used for the privation of property are physical and moral; physical, where it is taken by the hand; moral, where it is given up by the owner himself, from the influence of causes operating on his mind. Now two or more laws, punishing each species of privation, are in the strictest analogy, since their ends are the same. If, therefore, on comparing them together, it appears that a difference has been made in the sanctions or otherwise of the two crimes, unless some reason can be given for this difference, a defect is made apparent.

This doctrine may be illustrated by the cases of Larceny and Fraud; an illustration that will also show the mischievous effects which result from these distinctions.

The technical names for the privation of property are, 1°, Larceny; 2°, Fraud; which distinctions are altogether founded in the diversity of means used to effect the privation: and that no other distinction between the two offences, but that founded on a difference in the means employed, can with propriety be made, appears from reflecting, that crime, when resolved, is found to be compounded of; 1°, The motive which prompts; 2°, The end to be attained; 3°, The means used for attaining it. Now, 1°, The motive of theft (the *animus furandi*) occurs in Fraud the same as in Larceny; since what is it more than the intention to appropriate another man's property? 2°, The end in view is the same in Fraud as in Larceny; since what is it more than to accomplish the motive just described? 3°, No other distinction, therefore, between the two offences, but that founded on a difference in the means employed, can with propriety be made.

It has been said already, that the means used for the privation of property are physical and moral; physical, where it is taken by the hand; moral, where it is given up by the owner himself from the influence of causes operating on his mind; which causes are either, 1° fear; 2° or deceit, the synonyme of fraud in common speech. It is known also, that privation by physical means or by fear of a certain description, is larceny. The distinction, therefore, between larceny and fraud can only be, that fraud is privation of property through deceit, which larceny is not.

This distinction is so plain and intelligible, and defines with so much accuracy the line of separation, that *à priori* we should say, that under no circumstances could any difficulty arise in distinguishing fraud from larceny. Descending, however, from abstract reasoning to practice, we find that difficulties are perpetually arising; and the reason (the only possible reason) is, that this line of separation has been removed; not entirely, since then, by confounding the two offences, all distinction between them would be abolished, and all questions, therefore, arising out of it, cease; but only to a certain distance.

The removal, however, of this line of separation, is owing to the circumstance, that the distinction recognized between the two offences has no foundation in reason. This will appear, from considering the causes which induced the removal; a discussion that involves two preliminary considerations; namely, 1°, the propriety of making any distinction between larceny and fraud; 2°, the origin of that distinction which is recognized between them.

As to the grounds for distinguishing between Larceny and Fraud. The chief reason for classifying crime, thereby distinguishing criminal actions as offences of different natures, is to punish certain actions with greater severity; and the reason which induces this severity of punishment is, that the actions thus distinguished are of more injurious effects. The reason, therefore, for distinguishing larceny and fraud as offences of different natures is, that larceny, which is punished as a felony, is more injurious than fraud, which is punished as a misdemeanour. Now the mischief produced by any given crime, and therefore by fraud and larceny, results from the three following causes: 1°, The motive which induces the crime; 2°, the end which it seeks to attain; 3°, the means used for attaining it. In fraud and in larceny, the motive and end being identically the same, the mischief which these occasion must be similar likewise. The reason, therefore, for distinguishing between them can only be, that differing in the means which they employ, they differ in the mischief which these means produce. This mischief can only be the corruption, 1° of the criminal's own mind; 2° and that of others; for as to any injury to the dupe, that can result from the end alone; but as this mischief is in degree at least

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as great in fraud as in simple larceny, there is no reason for distinguishing their punishment, and no reason, therefore, for their classification as crimes of different natures.

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As to the origin of the distinction between Larceny and Fraud.—Theft is coeval with property, but fraud is the offspring of refinement; proximity being the only thing necessary to theft, whilst to fraud opportunities and mental dexterity are essential, which a more advanced stage of society can alone supply. Some time, therefore, must have intervened between the origin of the two offences, and some time too between the first operations of fraud and its recognition as a crime; for when a system like the English Law, in which precedent has such sway, has continued for some time in the same situation, it is long before new offences are received within its pale. In ruder ages, arguments from convenience do not occur; and at periods more advanced, the disposition to magnify what is not familiar or accurately known, leads us to panegyrize antiquity, and to conclude, that for some undiscoverable but most sufficient reason, the offence was excluded from the first; forgetting that exclusion implies knowledge, and that knowledge in all other but the abstract sciences is the fruit of experience. Some time, therefore, elapsed between the respective recognitions of theft and fraud as crimes; during which interval, settled formulæ and definitions relative to theft were established, detailing the constituent circumstances of the crime, and amongst the rest, the means employed. At last, however, the operation of fraud was felt, and being only a species of theft, it was proposed to indict it as a crime. But the established formulæ were found to be inapplicable; and as this entirely arose from a diversity in the means used in larceny and fraud, producing such mighty consequences as exemption from punishment, even death itself, the means came to be considered as important *per se*, and a notion sprung up, that owing to this diversity the two offences were of different natures. So that when, during the reign of Henry the Eighth, the inconvenience of a particular species of fraud was felt so severely, that it was resolved to punish it by a legislative provision, it did not occur that it should be placed upon a similar footing with theft. And as when for a length of time an action has been treated as no offence at all, it seems harsh to punish it at once with the last severity, the Statute makes it a Misdemeanour only. Hence it came to pass that Larceny and Fraud were classed distinctly.

Such then was the origin of that distinction between Larceny and Fraud which, from the first, was recognized between them. Raised, however, on the sands of technicality and form, and wanting that foundation in reason which alone can promise an eternal stability, it stood exposed to the shocks of common sense. The object gained, with all its attendant mischiefs, being identically the same in fraud as in larceny, good sense naturally induced a disposition to treat as a theft the privation of property through deceit. This disposition inclined the authorities to listen to a refinement in reasoning, which proves that a delivery of property is no delivery at all; and thus establishes (the definition of Larceny) a taking from the owner without his consent: a doctrine which being at variance with the common apprehensions of mankind, and the creature of mental reservation, is with much propriety called legal construction. Pushed, however, to its fullest extent, it would altogether destroy the distinction between Fraud and Larceny; a consequence which though at the first it was not perceived, soon became apparent. For which reason, after acting upon their doctrine to a certain point, the authorities stopped short, and reflecting that to push it further would abolish a classification of crime, they refused to apply it to new cases which, though within the principle, differed in circumstance from those that had gone before them. And the consequence has been, not merely apparent inconsistency (an evil perhaps only in name) but to perplex a prosecutor as to his mode of proceeding, to the constant immunity of criminals. This perplexity arises from inability to discover, 1°, whether the doctrine of legal construction will be applied to a case which, though in strict analogy, is not identically the same with a previous decision; 2°, whether it will appear in evidence that those shades of difference exist, which would warrant a conclusion in the negative*.

To these reasonings, should it be objected that fraud is now recognized as an offence at common law, it may be replied, that the phrase "Common Law" has

* The best course for redressing this inconvenience now would probably be, to make a common form of indictment serve as well for fraud as for larceny, and leave it to the jury to find (as under the French system) a discriminating verdict.

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two different senses, one proper, the other figurative. In its proper signification, it designates that collection of customs made and digested by King Alfred; in its figurative sense, we intend those principles of reason which should govern in the absence of positive authority. Now in speaking of fraud, it is in the latter sense only that we apply the phrase; of which the proofs are two; 1°, the absence of all evidence that fraud was recognized as a crime antecedent to the Statute of Henry the Eighth; 2°, the inutility of that Statute, had the recognition been made. Nor will the single instance—that a *common* cozener, one *used* to play with false dice, is indictable, furnish an argument to the contrary; since the frequency of the practice, and the general disposition manifested, not any particular instance of defrauding, are the grounds of criminality. And even prosecutions for this species of fraud seem afterwards to have been disused; for upon the precedent of the 2 Hen. 4, being shown and read in Court, much was made of it: "Montague, C. J. commanded a copy to be taken thereof, as a good precedent for the jurisdiction of the Court, and government of the Commonwealth."

5°. If any amendments beyond these are proposed, they will be of deficiencies acknowledged on all hands to be such; literal mistakes, namely, and doctrines which the Courts have condemned.

And thus much for the Amendment of the Criminal Law. Next as to the Consolidation of the Criminal Statute Law.

In discussing the nature of this Amendment, I shall examine five several questions:

1°. What are the advantages of a Consolidation?
2°. What the disadvantages?
3°. Whether any plan for consolidating the Statute Law has ever yet been proposed?
4°. If not, then whether any can be devised?
5°. In what mode the sufficiency of the Consolidation Bills is to be ascertained?

1°. The advantages of a consolidation are, first, that it brings under one point of view, that which now lies scattered over the face of many volumes. Secondly, it ascertains the reciprocal influence which a variety of statutes, each applicable to the same subject, have upon each other; a knowledge which, under the present state of things, it is matter of the greatest difficulty, nay often of impossibility, for the most comprehensive mind to attain. Thirdly, it detects and reconciles those contradictions and inconsistencies so constantly observable where a number of statutes have been applied, from time to time, to the same subject. Fourthly, by reducing the law to a greater certainty, it diminishes litigation; and by exhibiting a clear, distinct and connected view of that law, it enables us to observe, and observing to supply, those particulars in which it is defective.

2°. It may be objected to a consolidation, first, that judicial decisions have, in many cases, settled the import of the particular phrases and provisions of statutes, and that a Consolidation will diminish the facilities of reference to these decisions. But to this objection the answers are two. First, admitting the fact, the inconvenience is trivial compared with the advantage of the measure. Moreover, the inconvenience, consisting as it does in the additional trouble which it will impose upon practising lawyers, is neutralized by the removal of that much greater trouble to which they are now subjected, of obtaining a distinct view of the law, ascertaining the bearing of one statute upon another, and detecting their contradictions. But secondly, the objection rests upon a fact which does not exist, in that not a single reference will be displaced. Notes will be subjoined to each Bill, naming the particular provision which forms each constituent portion of the Bill, together with those judicial decisions which have settled the particular import of the provision. The second objection is this:—A clause taken in relation to other branches of the Act, shall occasionally bear a different construction to what it bears in the abstract; that in consolidating the law, you must either take the clause in its isolated form, and thereby change its meaning, or you must take it with all its collateral bearings, and thereby raise those various and intricate questions, for the solution of which we have no oracle to apply to. To which objection the answer is this. The objection altogether proceeds on the

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the supposition, that the framer of the original Act intended that it should bear the relative and not the isolated sense, since if such was not his intention, the relative sense is the effect of accident, not of design, and a consolidation therefore instead of detracting from, will emphatically uphold the real character of the law. Now the very same principles which govern in every other branch of composition, must influence in framing an Act of Parliament. It is not conceivable that any legislator in possession of his reason, ever meant to express himself in the outset by halves, leaving it to a future clause to perfect the expression of his design. He meant that each paragraph should fully define its subject. And by attending, therefore, to the meaning of each, isolated and by itself, shall we uphold what alone was the legislator's real meaning. The way in which that meaning comes to be changed, contrary to his intentions, arises from his employing terms in a subsequent paragraph, which necessarily influence, but which were not intended to influence the former. These cannot be rejected by a judge, because he has no power to reject any part of a Statute; but the legislator is under no such obligation. At all events, however, some reliance must be placed upon intelligence, and it must be presumed that the manner in which one clause may be influenced by another, will not escape an anxious perusal of the Act. Add to which, that it is very improbable, that where the question will invariably be asked, "Is the clause in its present form adequate to its design," that any deficiencies which this accidental influence may have supplied, will be overlooked. In the Criminal Law too this influence is comparatively little.

And one general answer to all Theoretical objections is supplied by the Practice of each Session, in passing Consolidation Bills.

3°. The next consideration is, whether any plan for consolidating the Statute Law has ever yet been proposed. Since if none has ever been devised, then as the most simple operations appear insurmountable to those to whom the means of accomplishing them are unknown, it is evident that the question of consolidating the Statutes is now for the first time to be fairly dealt with.

To ascertain this fact it will be proper to consider what is meant by the phrase, A plan for consolidating the Statute Law.

Let us suppose that distinct pieces of metal are bedded in the same common strata, and that our object is to consolidate or unite in one mass a given number of these pieces. That we apply to an artist to devise the means of doing this, and that he tells us that the way is to bring the pieces into juxta position. It is obvious that he has given us an impertinent answer, and that we may still require, 1°, By what process can they be brought into juxta position; 2°, When brought into juxta position, then by what process can they be united in the same mass. When he has satisfied us upon these points, he has then, and not till then, given us a plan for consolidating the metals.

As with the metals in the case supposed, is it with those provisions in the Statute-book which offer themselves for consolidation. Various provisions are united in a form of words, and fettered with accessary matter common to all. Each of these provisions is to be consolidated with the provisions of some other statute in the same encumbered condition with itself; and not only with the provisions of that other statute, but with those of others and others to a multiplied extent. To say, then, that a person who tells us that the mode of consolidating the Statute Law is to bring similar provisions into juxta position, has given us a plan for consolidating that law, is an abuse of terms; and yet all that has been written upon the subject amounts to this alone.

4°. The merit then of first maturing a plan for consolidating the Statute Law is due to him alone who shall explain to us, 1°, How these provisions are to be brought into juxta position; 2°, How, when brought into juxta position, they are to be united together. A merit which at every hazard may be maintained to be of no ordinary character. Few persons have thought more upon any one subject than I have done upon this, and it has only been after endless experiments that the plan which I now submit has been matured. This plan, with its illustration, will be found in No. 4. of the Papers subjoined, intituled, "The Consolidation and Amendment of the Criminal Law."

5°. As to the mode in which the sufficiency of the Consolidation Bills is to be ascertained—it is proposed that two Barristers of Eminence be named, who shall examine the Bills, and report the result.

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As a Preliminary to the Proposition for Amending and Consolidating the Criminal Law, a Code or Digest of that Law has been framed upon the Principles that will immediately be stated, and which have been illustrated in No. 2. of the Papers annexed. The present state of the Law in all its bearings and relations must be known, in order to discover what its deficiencies are. A view, therefore, of its present state must be exhibited; and thus the Code or Digest is the Basis of the Legislative Proceeding. It is proposed, that this Code be printed uniformly with the folio edition of the Statutes.

In explaining the structure of this Code, we shall consider, 1° Its general arrangement and grand divisions; 2° The internal arrangement of these divisions; 3° The structure of the abstracts of judicial determinations; 4° The structure of the abstracts of acts of parliament.

I. Crimes affect either individuals and their possessions, or the relations which are established between individuals. These relations are established for the happiness of two or more persons in exclusion of all others; for the happiness of the whole mass of a particular community; or lastly, for the happiness of two or more communities. Whence result three divisions of crime; 1° Those which affect an individual, as where his person is assaulted, his property seized, or his wife dishonoured; 2° Those which affect a single community, as where the government is subverted; 3° and lastly, Those which affect two or more communities, as in the case of piratical incursion. Corresponding to which divisions is the General Arrangement of the Code.

The chapters of each division are opened by short Introductions, intended to convey a general idea of their nature and arrangement. To make this better understood, we shall give a short extract from the opening of the chapter

Of Summary Convictions.

A conviction is the judicial act of a competent jurisdiction recording a summary proceeding, by which an offender is convicted of a crime denounced, and sentenced to a punishment enjoined, by act of parliament.

This summary proceeding, therefore, is the basis of the conviction; and the subject, therefore, will be opened, by an inquiry into its nature.

And since in detailing this proceeding the conviction must adhere to established forms, the subject will be continued, by an inquiry into the form of the conviction itself.

Since, too, other proceedings are originated by the conviction, the subject will be closed, by an inquiry into the nature of these subsequent proceedings.

The Introduction then explains the nature of this summary proceeding, but which explanation is too long for insertion here. It then touches upon the form of the conviction itself, in the following terms:—

The act warranting the proceeding, either prescribes the form which the conviction shall assume, or it does not; and prescribing a form, either enjoins its observance, or contains no such injunction.

If it prescribes a form, and enjoins its observance, that form must be pursued.

If it does not prescribe a form, or prescribing, does not enjoin its observance, the form is determined by certain rules established by judicial decisions.

The proceedings subsequent to the conviction are then explained, and with this the Introduction closes.

II. In distributing a chapter into subordinate classes, though a scientific arrangement has been attempted, yet minuteness in subdivision has been carefully avoided. Subdivisions when multiplied present a double picture to the mind, which never can view clearly and distinctly above one object at a time. If it must look at two or three together, especially objects among which there is resemblance or connexion, it finds itself confused and embarrassed. But though inconveniences result from minute subdivisions, they possess the advantage of leading the reader at once to the point sought. Hence, though excluded from the body of the work, they are introduced in the margin of the abstracts.

In this distribution, each separate rule does not necessarily furnish a separate class. Where there exists some one fundamental quality, in which different rules agree, they are united in the same class, and described by that quality as by a common denomination.

When a class contains a variety of abstracts, those most nearly related are placed nearest to each other, so as to make their mutual relation clearly appear.

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And where there are exceptions to a general rule, no notice is taken of them until the rule has been fully discussed. If stated in company with the rule, we are put to a stand in thought, being obliged to rest for a little on the rule by itself, which at the same time conveys no definite idea till it is joined to the examples by which it is illustrated.

III. The abstracts of judicial determinations may be viewed under the following relations. In relation 1° to their form; 2° to their subject matter; 3° to their language.

1° Each abstract usually consists of three branches. 1. The general rule or exception. 2. The reasons of the rule or exception. 3. The circumstances of the individual case.

Which mode of framing the abstracts, is justified by the following considerations:

To detail the circumstances without the rule (and its reason) would not be sufficient. Cases commonly, nay almost invariably, differ in circumstance, while a rule is of universal application.

Neither would it answer to give the rule without the circumstances. General rules are very abstract ideas when considered by themselves, and separated from a specific subject: they are much more easily conceived in conjunction with it.

2° As to the subject-matter; there is a choice between two modes. For example, in stating a rule, we may either generalize, as by saying, that to impair a master's relative rights is to injure him; or descend to particulars, as by saying, that to occasion a loss of service, by seducing his servant, is actionable. Of these two modes, the first is a genus, the second a species; and a preference has been given to the latter, because generic terms are remote from common use, and therefore, when met with, require an effort of the mind to be apprehended. And though the rule might be expressed, first in general, and then in specific terms, yet this would be rendering the abstract too complex.

3° The language employed is that, which shall convey to the reader a full and complete idea in the fewest words.

And as often as there occur a variety of abstracts, which, as a continuation of the same subject, are intimately connected with each other, the same words expressive of the same ideas are invariably repeated. This it will be necessary to justify.

A frequent repetition of the same words is, in polite writing, to be condemned; because here a principal object as respects the writer is, a display of taste; as respects the reader, an approval of that taste, and his own entertainment; and to these, the music of sentences is a capital ingredient.

But in subjects, especially the more abstruse, where the sole object is to convey information, or produce conviction, the reasons just given for avoiding monotony do not influence. And there are cogent reasons in its favour; for where, in a chain of reasoning, it is necessary to revive in the mind an idea with which it has already been impressed, the idea is more speedily awakened, if the same means originally used to excite it are employed again.

IV. The mode of epitomizing acts of parliament is now to be explained.

The epitome or abstract of an enactment, cannot be so framed as to supply the place of the enactment itself; and that it cannot be so framed will appear from this reasoning:

An abstract can only supply the place of an enactment, where it may be so framed, as to convey precisely the same information as a perusal of the enactment itself.

Now the legislature, in wording statutes, seldom employ generic terms; but enumerate a variety of particular cases or conjunctures.

Thus, the 46 G. 3. c. 135, intending to protect every species of *bonâ fide* transaction dated two calendar months before a commission of bankruptcy, instead of employing the generic term to express such intention, specifically enacts, that all conveyances by, all payments by and to, and all contracts and other dealings and transactions, by and with any bankrupt, &c.

Such enumeration is frequently incomplete, so that the genus of which these particulars are the species, frequently comprehend many more besides themselves.

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Thus, the enumeration contained in the 46 G. 3, just mentioned, is incomplete, in that one species of transaction, namely, process against the bankrupt's property, is not included; for obviously such a transaction is not by or with him.

To employ, therefore, generic terms in framing an abstract, would frequently lead into error; inasmuch as they would frequently comprehend more than the particulars enumerated by the statute.

Thus, to abstract the provision just mentioned by employing the generic term proper for the occasion, namely, "transactions after bankruptcy," (not specifying by or with whom) would be improper, as including an additional transaction to those enumerated.

Yet is this (employing generic terms) the only mode in which an abstract may be so framed, as to convey precisely the same information as a perusal of the enactment itself. And even where generic terms might with propriety be employed, still they would not convey to all the same information as such perusal, for a common reader would not be able to run over in his mind, all the particular cases or conjunctures included by the term, and would, therefore, be driven to the statute book.

Since, then, an abstract cannot be so framed as to convey to the reader the same information as a perusal of the enactment itself; it follows, that the abstracts must be imperfect representations of their original, and that the information they convey must be incomplete.

If then the information conveyed by the abstracts must be incomplete, the question is, what *degree* of information they should afford?

To solve which question, we must first separate the enactment that we propose to abstract into its component parts, and then determine which or what number of those parts shall form the basis of the abstract.

Every enactment enjoins the performance (or forbearance) of some action; and, in so doing, it not only directs that it shall be done, but commonly prescribes the manner of its performance.

Thus the 5 G. 2, c. 30, requires a majority of the commissioners to notify the bankruptcy; and prescribes the manner of their doing this, namely, that notice shall be given 'forthwith after the declaration of bankruptcy, and in the London Gazette.'

Whence it appears, that every enactment usually consists of a *Matter* and a *Manner*; of which the former will necessarily be the basis of the abstract.

Having fixed the basis or subject-matter of the abstract, the next question is respecting its form, or the mode in which it shall be expressed.

Which question may be answered, by considering, whether an abstract may be expressed in more ways than one; and if in more, which shall be preferred.

Now the enactment just mentioned may be abstracted either thus:

A majority of the Commissioners shall notify the bankruptcy,

Or thus:

A majority of the Commissioners shall notify the bankruptcy, at a certain time, and in a certain journal.

Whence it appears, that abstracts may be expressed in two different ways; and the consideration is, which shall be preferred.

And the latter must have the preference, for this reason: the abstract first supposed, conveys to the reader a complete idea; whilst this defines nothing, but leaving every thing at large until the statute is consulted, cannot induce any erroneous conception *in limine*.

I shall now conclude with some observations, with respect first, to Amending the *Text* of the Statutes; secondly, to the Papers annexed; lastly, to the State of the Code, Consolidation, and Amendment of the whole Criminal Law.

1°. Much has been said against the verbiage of our Statute Law; and comparisons, to its disadvantage, have been drawn between itself and the written laws of other kingdoms. This censure, however, seems, for the most part, to be very unmerited, in that much of the verbiage of our Statute Law results from the genius of our Government. To explain at length. There are two modes of legislating: 1°. Employing General terms; 2°. Avoiding General terms, and confining ourselves to the enumeration of Particulars. The first gives the utmost latitude of discretion to the Magistrates; the other leaves them little or no discretionary power. And

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as the first principle of a free Government is to leave nothing to the discretion of the Magistrates, and as the only mode of doing this is by dealing in particular terms, this feature is characteristical of English jurisprudence, as the other characterizes that of all foreign nations.

There are, indeed, some branches of the law (vulgar crimes for instance, that have no relation whatever to virtue) in which the utmost latitude of discretion might, with great safety, be given to the Magistrates, were it not for the consideration, that to introduce the generalizing principle into one branch of legislation, might prepare the way for its general adoption. In Scotland this discretion is given: nor, with reference to the United Kingdom, is there any reason why it should be withdrawn, since, constituted as our Parliament is, their practice cannot extend its influence.

Any person, therefore, who after condensing the Statutes into one or two volumes, by striking out what he may deem their verbiage, shall appeal to his work as a proof within what narrow limits the Statute Book might be comprised, very much mistakes the real principles upon which alone any curtailment of the book can, with common safety, be attempted. That principle is, to preserve the verbiage of the Statutes, but, by uniting two or more together, to make one serve the purpose of many.

If, indeed, a variation was to be made in the common form of an Act of Parliament, much might be gained in the way of conciseness. When we run over the Statutes of a few Sessions, we observe, under separate chapters, a variety of the same common enactments; those, for example, which relate to procedure. Now, if two preliminary Acts were to be passed, one applicable to the Civil, the other to the Criminal Law, declaring that such and such modes of proceeding shall be the modes recognized and established by the English Law, and distinguishing each mode from the other by numbering each as a distinct section; subsequent Acts, instead of repeating such provisions, might declare that such or such sections of the preliminary Act shall be applicable to its own subject matter.

The following will illustrate what has been said:

Be it enacted, That the modes of prosecuting offences against the Statute Law, shall be the following:

Sect. 1. Indictment.

2. Bill, plaint, or information, &c.

3. Summary conviction before any two Magistrates in the form numbered (A.) in the Appendix, or to that effect.

4. Summary conviction before any one Magistrate in the form or to the effect aforesaid.

5. Summary conviction before two Magistrates having jurisdiction in the place where the offence was committed, in the form or to the effect aforesaid.

6. Summary conviction before one Magistrate having jurisdiction in the place where the offence was committed, in the form or to the effect aforesaid.

And so of the rest.

2°. With respect to Nos. 3 and 4 of the Papers, the Bill namely, and the Consolidating Process. Title Forgery has been selected for an illustration, since the nature of the subject matter (involving technicalities), and the multiplicity of the enactments, presented greater difficulties than any other branch of Criminal Law; and yet these have all been surmounted. It is observable, that many clauses in the Bill are re-enactments merely of existing regulations. They *now* form a part of the Bill, that the practicability of uniting the whole of any given branch of Penal Law, should the union be deemed advisable, might be demonstrated. But the following considerations may serve to establish, that the Bill should be limited to those enactments which are of a general nature only.

The sense of a penal clause is sometimes complete in itself, sometimes only by taking into the account certain extrinsic provisions. A general clause, for example, making it penal to forge any deed, is complete in itself; but a particular clause making it penal to forge such and such deeds, which, in furtherance of certain civil regulations,

N° 1. Mr. Hammond's Statement.

regulations, had been described in former parts of the Act, is complete only by incorporating with it those descriptive particulars mentioned in the antecedent clauses. Particular clauses, therefore, are identified with the Act in which they occur; should therefore continue united with it, and be consolidated only with the rest of its provisions.

3°. The Code, Consolidation, and Amendment of the whole Criminal Law, has been entirely completed.

ANTHONY HAMMOND.

—No. 2.—

PRESENT STATE OF THE LAW OF FORGERY.

ANALYSIS.

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OF FORGERY.

INTRODUCTION.

General distribution of the subject.

Forgery (*a*) is made criminal by the Common Law, and by various Statutes. At Common Law, it is a Misdemeanour only; under the Statutes, it is frequently a Felony (*b*). But, unless in raising the crime to a higher class,

(*a*) "To forge is metaphorically taken from the smith, who beateth upon his anvil, and forgeth what fashion or shape he will. The offence is called *crimen falsi*, and the offender *falsarius*; and the Latin word to forge is *falsare*, or *fabricare*. And this is properly taken when the act is done in the name of another person." 3 Inst. 169.

(*b*) By the customary law of *Scotland*, says Professor Hume, to which its enactments refer, and by which, as far as they are doubtful, they have been expounded, the judges possess a discretionary power of punishing forgery by counterfeiting a superscription; and may apply the highest pains to it in those cases, where either the wickedness or the danger of the act, require the example of such severity. Accordingly, the many capital judgments, in later times, for the forgery of bank notes, have all proceeded on the ground of common law, without the aid of any statute in that behalf. In 1804, on an indictment both at common law and on the stat. 15 G. 2. c. 13. for forging and uttering Bank of England notes, the Lord Advocate passed from the libel as far as laid at common law; and the court found, that the said statute does not extend to Scotland. But although, speaking in the general, the competency of this course of judgment does not admit a doubt, it is not affirmed, that the court have an unlimited discretion in this matter, and may punish capitally in every instance of false writing whatsoever; on the contrary, according to the course of that practice, by which chiefly the statutes have been expounded, so as at all to authorise the pronouncing of such a sentence, this power is limited to certain more audacious and dangerous modes of falsification, and it could not now be warrantably extended to other modes, which have not hitherto been thought deserving of the highest vengeance of the law. With respect, however, to the forging of bills, bonds and other documents for money, the small amount of the sum does not affect the style, or, in strictness, the capital conclusions of the charge. In 1765, therefore, bail was refused to George Short, though committed on charge for forging a bill for 2 *l.* 5 *s.* only. But upon the subject of capital falsifications of writings, it is observable, that though the court may, they are not constrained invariably to inflict the ultimate pains of law for such offences; but have a discretionary power, as in the case of theft, to accommodate the correction to the whole circumstances of the offender and the transgression.

It does not, however, he continues, appear, that any other falsification of writing, has, at any period of the Scotch law, been chastised with the like severity. Some there are, which, in point of prejudice to the private party, and almost of wickedness in the contriver, may seem to be little behind those to which the name of forgery, in its stricter sense, is applied. If the holder of a bill alter the sum to his own advantage, or if the writer of a deed secretly insert provisions in favour of himself or others; certainly an act, which is not the act of the party, is here published as authenticated by his hand, equally as in the case of his subscription being counterfeited. But as devices of this kind are not so frequent or so dangerous as forgeries, and are attended with far more difficulty in the execution; and as in point of boldness at least, if not of depravity, there is some difference between the corruption of a genuine signed writing, and the supposition and signing of an entire deed in the name of another; so the lenity of the Scotch law seems to have laid hold of this distinction, how slender soever, to save the offender's life. But the indulgence goes no farther. As great frauds and falsehoods, such contrivances are punishable at their common law, with pillory, infamy and imprisonment; and, in a flagrant case, with transportation, besides those pains, or any of them. And this holds good as to all the different modes of false writing; whether it be by a false assertion in the instrument, as if it be antedated; or if a person falsely sign as witness to an execution; or by corruption of the written words of any deed in the way of erasure, superinduction, interpolation, or the like.

Such, he concludes, is the Scotch practice concerning the forgery of writings, which is the most important sort of falsehood, and rests chiefly on the common law. Among the other species of forgery, those which are punishable with death, and are not distinguished by appropriate names, are mostly to be found in the department of the revenue law, and have been made capital by the authority of statutes. Provisions to that effect have in particular been found necessary for the security of that large and important branch of revenue, which is collected by means of stamps. But though there was need of statutes to warrant the inflicting of death for such offences, it is not therefore to be imagined, that the offence of forging the revenue stamps is entirely statutable in Scotland, and not liable to be punished in anywise at common law. As soon as any stamp act passes, this article of revenue is thenceforth the lawful property of His Majesty, and his successors, and enjoys, as much as any other property, the protection of the common law of Scotland; which will defend it from all manner of fraudulent devices, and especially from all that are executed by means of falshood or

embracing a greater variety of subjects (a doubtful matter), and increasing the penalty, the Statute Law, in defining the crime, has, with a few exceptions, followed the Common Law definition.

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forgery; for it is not to be imagined that these are in the least more excusable, as being directed to the prejudice of the sovereign and the public, and not to that of an individual.

The third chapter of the French Penal Code is intituled, '*Crimes et Delits contre la Paix publique*;' its first section '*Du Faux*,' has six divisions, namely, '1° *Fausse Monnaie*; 2° *Contrefaction des Sceaux de l'Etat, des Billets de banque, des Effets publics, et des Poinçons, Timbres et Marques*; 3° *Des Faux en Ecritures publiques ou authentiques, et de commerce ou de banque*; 4° *Du Faux en Ecriture privée*; 5° *Des Faux commis dans les passe-ports, feuilles de route et certificats*; 6° *Dispositions communes*.' The provisions of the second, third, fourth, fifth, and sixth divisions, are these: II° 139. Ceux qui auront contrefait le sceau de l'état, ou fait usage du sceau contrefait; ceux qui auront contrefait ou falsifié, soit des effets émis par le trésor royal avec son timbre, soit des billets de banques autorisées par la loi; ou qui auront fait usage de ces effets et billets contrefaits ou falsifiés, ou qui les auront introduits dans l'enceinte du territoire Français, Seront punis de mort, et leurs biens seront confisqués.—140. Ceux qui auront contrefait ou falsifié, soit un ou plusieurs timbres nationaux, soit les marteaux de l'état servant aux marques forestières, soit le poinçon ou les poinçons servant à marquer les matières d'or ou d'argent, ou qui auront fait usage des papiers, effets, timbres, marteaux, ou poinçons falsifiés ou contrefaits, seront punis des travaux forcés à temps, dont le *maximum* sera toujours appliqué dans ce cas.—141. Sera puni de la réclusion, quiconque s'étant indûment procuré les vrais timbres, marteaux ou poinçons ayant l'une des destinations exprimées en l'article 140, en aura fait une application ou usage préjudiciable aux droits ou intérêts de l'état.—142. Ceux qui auront contrefait les marques destinées à être apposées au nom du governement sur les diverses espèces de denrées ou de marchandises, ou qui auront fait usage de ces fausses marques; ceux qui auront contrefait le sceau, timbre ou marque d'une autorité quelconque, ou d'un établissement particulier de banque ou de commerce, ou qui auront fait usage des sceaux, timbres ou marques contrefaits, Seront punis de la réclusion.—143. Sera puni du carcan, quiconque s'étant indûment procuré les vrais sceaux, timbres ou marques ayant l'une des destinations exprimées en l'article 142, en aura fait une application ou usage préjudiciable aux droits ou intérêts de l'état, d'une autorité quelconque, ou même d'un établissement particulier.—144. Les dispositions des articles 136, 137 et 138, sont applicables aux crimes mentionnés dans l'article 139. —III° 145. Tout fonctionnaire ou officier public qui, dans l'exercice de ses fonctions, aura commis un faux, soit par fausses signatures, soit par altération des actes, écritures ou signatures, soit par supposition de personnes, soit par des écritures faites ou intercalées sur des registres ou d'autres actes publics, depuis leur confection ou clôture, Sera puni des travaux forcés à perpétuité.—146. Sera aussi puni des travaux forcés à perpétuité, tout fonctionnaire ou officier public qui, en rédigeant des actes de son ministère, en aura frauduleusement dénaturé la substance ou les circonstances, soit en écrivant des conventions autres que celles qui auraient été tracées ou dictées par les parties, soit en constatant comme vrais des faits faux, ou comme avoués des faits qui ne l'étaient pas.—147. Seront punies des travaux forcés à temps, toutes autres personnes qui auront commis un faux en écriture authentique et publique, ou en écriture de commerce ou de banque, soit par contrefaçon ou altération d'écritures ou de signatures, soit par fabrication de conventions, dispositions, obligations, ou décharges, ou par leur insertion après coup dans ces actes, soit par addition ou altération de clauses, de déclarations ou de faits que ces actes avaient pour objet de recevoir et de constater.—148. Dans tous les cas exprimés au présent paragraphe, celui qui aura fait usage des actes faux sera puni des travaux forcés à temps.—149. Sont exceptés des dispositions ci-dessus, les faux commis dans les passe-ports et feuilles de route, sur lesquels il sera particulièrement statué ci-après.—IV° 150. Tout individu qui aura, de l'une des manières exprimées en l'article 147, commis un faux en écriture privée, sera puni de la réclusion.—151. Sera puni de la même peine celui qui aura fait usage de la pièce fausse.—152. Sont exceptés des dispositions ci-dessus, les faux certificats de l'espèce dont il sera ci-après parlé.—V° 153. Quiconque fabriquera un faux passe-port, ou falsifiera un passe-port originairement véritable, ou fera usage d'un passe-port fabriqué ou falsifié, sera puni d'un emprisonnement d'une année au moins et de cinq ans au plus.—154. Quiconque prendra, dans un passe-port, un nom supposé, ou aura concouru comme témoin à faire délivrer le passe-port sous le nom supposé, sera puni d'un emprisonnement de trois mois à un an. Les loguers et aubergistes qui sciemment inscriront sur leurs registres, sous des noms faux ou supposés, les personnes logées chez eux, seront punis d'un emprisonnement de six jours au moins et d'un mois au plus.—155. Les officiers publics qui délivreront un passe-port à une personne qu'ils ne connaîtront pas personnellement, sans avoir fait attester ses noms et qualités par deux citoyens à eux connus, seront punis d'un emprisonnement d'un mois à six mois. Si l'officier public, instruit de la supposition du nom, a néanmoins délivré le passe-port sous le nom supposé, il sera puni du bannissement.—156. Quiconque fabriquera une fausse feuille de route, ou falsifiera une feuille de route originairement véritable, ou fera usage d'une feuille de route fabriquée ou falsifiée, sera puni, savoir, D'un emprisonnement d'une année au moins et de cinq ans au plus, si la fausse feuille de route n'a eu pour objet que de tromper la surveillance de l'autorité publique: Du bannissement, si le trésor royal a payé au porteur de la fausse feuille des frais de route qui ne lui étaient pas dûs ou qui excédaient ceux auxquels il pouvait avoir droit, le tout néanmoins au-dessous de cent francs: Et de la réclusion, si les sommes indûment reçues par le porteur de la feuille s'élèvent à cent francs ou au delà.—157. Les peines portées en l'article précédent seront appliquées, selon les distinctions qui y sont posées, à toute personne qui se sera fait délivrer, par l'officier public, une feuille de route sous un nom supposé.—158. Si l'officier public était instruit de la supposition de nom lorsqu'il a délivré la feuille, il sera puni, savoir, Dans le premier cas posé par l'article 156, du bannissement; Dans le second cas du même article, de la réclusion; Et dans le troisième cas, des travaux forcés à temps.—159. Toute personne qui, pour se rédimer elle-même ou en affranchir une autre d'un service public quelconque fabriquera, sous le nom d'un médecin, chirurgien ou autre officier de santé, un certificat de maladie ou d'infirmité, sera puni d'un emprisonnement de deux à cinq ans.—160. Tout médecin, chirurgien ou autre officier de santé qui, pour favoriser quelqu'un,

In defiance, however, of this similarity, it is proposed to consider the crime, first at Common Law, and then by Statute. To consider it under the former relation, remarking, by the way, any alterations superinduced by the Statute Law, is a mode that, in point of convenience, has less to recommend it.

Other offences included; namely,—Having in possession, Importing and Uttering fabrications; Manfacturing and Using counterfeit Tools;

And together with the crime of Forgery, certain other offences will be noticed, which, growing out of that crime, may, without any impropriety, and frequently with great advantage, be treated on the same occasion with it. Those, namely, of Having in Possession, Importing, and Uttering, fabrications.

Others, again, preliminary to the crime itself; and which, for that reason, may be included in the discussion. Those, namely, that relate to the Tools of fabrication.

Erasing and Abusing genuine instruments; Personating, and False Swearing;

Others, moreover, which, though maintaining neither of those relations, are nevertheless in analogy to the crime; and may, therefore, be included likewise. Those, namely, of Erasing, and Abusing, genuine instruments, of Personating another to get possession of his property, and of taking a False Oath for a similar purpose.

Receiving, and Offering to Receive.

And others, which, though not necessarily maintaining any of these relations or analogies, have, by the Statute Law, been denounced on the same occasion with Forgery; and for that reason, therefore, may be treated along with it. Those, namely, of Receiving, and Offering to Receive, another man's dues.

All of which are offences at common law, Though treated here as statutable offences only.

It will probably be found, that most of these offences are cognizable at Common Law; as, indeed, in regard to Uttering, it has been expressly so determined (*c*). Since, however, the practice invariably (*d*) is to prosecute them under some Statute, they will here be treated as Statutable offences only.

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certifiera faussement des maladies ou infirmités propres à dispenser d'un service public, sera puni d'un emprisonnement de deux à cinq ans. S'il a été mu par dons ou promesses, il sera puni du bannissement: les corrupteurs seront, en ce cas, punis de la même peine.—161. Quiconque fabriquera, sous le nom d'un fonctionnaire ou officier public, un certificat de bonne conduite, indigence ou autres circonstances propres à appeller la bienveillance du gouvernement ou des particuliers sur la personne y désignée, et à lui procurer places, credit ou sécours, sera puni d'un emprisonnement de six mois à deux ans. La même peine sera appliquée, 1. à celui qui falsifiera un certificat de cette espéce, originairement véritable, pour l'approprier à une personne autre que celle à laquelle il a été primitivement délivré; 2. à tout individu qui se sera servi du certificat ainsi fabriqué ou falsifié.—162. Les faux certificats de toute autre nature, et d'où il pourrait résulter soit lésion envers des tiers, soit préjudice envers le tresor royal, seront punis, selon qu'il y aura lieu, d'après les dispositions des paragraphes trois et quatres de la présente section.—VI° 163. L'application des peines portées contre ceux qui ont fait usage de monnaies, billets, sceaux, timbres, marteaux, poinçons, marques et écrits faux, contrefaits, fabriqués ou falsifiés, cessera toutes les fois que le faux n'aura pas été connu de la personne qui aura fait usage de la chose fausse.—164. Dans tout les cas où la peine du faux n'est point accompagnée de la confiscation des biens, il sera prononcé contre les coupables une amende dont le *maximum* pourra être porté jusqu'au quart bénéfice illégitime que le faux aura procuré ou était destiné à procurer aux auteurs du crime, à leurs complices ou à ceux qui ont fait usage de la pièce fausse. Le *minimum* de cette amende ne pourra être inférieur à cent francs.—165. La marque sera infligée à tout faussaire condamné soit aux travaux forcés à temps, soit même à la réclusion.

The *Projet* of the *Bavarian Code*, under the several titles of '1° Des papiers de l'Etat, et autres equivalens à la monnaie; 2° Des timbres et marques de l'Etat, et autres; 3° Des écrits publics; 4° Des écrits de commerce et privés;' discusses at great length the crime of *Falsehood.*

(*c*) Rex v. O'Brien, Str. 1144.

(*d*) *Forging* and *Personating* are in strict analogy; they consist in impressing—the former a *writing*, the latter an *individual*, with a fictitious character. But, though once the question was raised, whether personation is indictable, no opinion was given. Rex v. Dupee, 2 Sess. Ca. 11. And even had the courts been forced to a decision in the case cited, they might easily have evaded the question; since the offence was not merely a fraud—it was an offence against the administration of justice, and indictable as such. Nor will the decision—that 'a bail taken before a judge is not bail within the 21 Jac. 1, c. 26, till it be filed of record; and if it be not filed, the acknowledging thereof in another's name makes not felony, *but a misdemeanour only*,' (1 Hale, 696,) prove, that personation is criminal; in that, a prosecution as for a misdemeanour would be, *as for an offence against the administration of justice*, not *as for a fraud*; since the party personated could not be made liable. Nor will the rule—that a conspiracy to be accomplished through the medium of personation, is criminal (Rex v. Hevey, Leach, 268; East's P. C. c. 19, s. 5; Rex v. Robinson, Leach, 44), assist the doctrine; since, in conspiracy, the combination, not the means employed, makes the crime. Sir Edward East observes, "In all cases

History of the Crime at Common Law.
It has been recognized from the first; though prosecutions were not in use at the period of the fifth of Elizabeth.

With respect to Forgery itself, though it has always been recognized as a crime at Common Law, (*e*) and the principle of its recognition, therefore, is coeval with that system, yet the application of this principle seems to have been disused (*f*) till a comparatively modern date. It has not been observed, that, in point of practice, the grievance was remedied otherwise than by civil action when the fifth of Elizabeth was enacted.

Writ of forger of false deeds.

The form of this Civil Remedy was a Writ of Forger of False Deeds, at the suit of the party grieved. And to the terms of this writ it is important to direct our attention; in that, when the courts begin again to contemplate the grievance as a public nuisance, it is reasonable to believe, that their idea of it as a crime, would be influenced by the received notions of its qualities as a civil inquiry; and by believing which, the reason of many doctrines and opinions, otherwise obscure, will become more apparent.

Confined to deeds;

Real property;

And first (to direct our attention to the terms of this writ), it does not embrace every species of writing, or indeed any other species but deeds only: such writings alone being in use in former times. The grievance, too, therein complained of, relates, not to any subject universally, but to real property only: the title to such property alone having been evidenced by writing in former days. Accordingly, the first of Henry the Fifth, which gives an action to the party grieved, is confined to lands and tenements as the subject-matter, and to deeds as the means of affecting it.

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not made felony by statute, the bare fact of personating another, though for the purpose of fraud, can in no instance amount to more than a cheat or misdemeanour at common law, and punishable as such. It was so considered in the case of John Hevey, who was acquitted on the first indictment against him for forgery; it appearing that he had merely passed himself off for the person whose real signature appeared on the indictment, in concert with that person. Neither, indeed, did the second indictment against him for the misdemeanour turn singly on the fact of such false personating for a fraudulent purpose, but was framed against him and his associates for the conspiracy as well as cheat, upon which they were all convicted. So where a woman living in the service of her master, conspired with another man that he should personate her master, and in that character should solemnize a marriage with her; which was accordingly done, for the purpose of afterwards raising a specious title to the property of the master; the gist of the indictment was for the conspiracy, and the conviction was founded on that ground (Rex v. Robinson, Leach, 44). And such was the true ground of the judgment in the case of Macarty and Fordenbourgh (Ld. Raym. 1179). In Dupee's case (2 Sess. Ca. 11), however, where the indictment only charged that he personated one A. B., clerk to H. H., a justice of the peace, with intent to extort money from several persons in order to procure their discharge from certain misdemeanours for which they stood committed, the court would not quash it on motion, but put the defendant to demur to it. It might probably have occurred to the court, that this was something more than a bare endeavour to commit a fraud by means of falsely personating another; it was an attempt to pollute and render odious the public justice of the kingdom, by making it a handle and pretence for corrupt practices." East's P. C. c. 20, s. 6.

(*e*) "We have spoken of forgery, or counterfeiting of the great seal of the king's coin, &c. which are declared by the statute of 25 Edw. 3. to be high treason: now we are to treat of forgeries of deeds, charters, and writings sealed, &c. in the case of subjects. And first, after our accustomed manner, how these offences were punished of ancient times. The Mirror saith, "Ascuns peches sont punies p. pde. de poulce, come est de faulx notoires, &c. peccans membrum puniebatur (car pur fauxer de seale ne serr' judgement mortel)." Britton saith, "Judgement dée treyne, et de suffer mort doit encount' ceux coure, q. p. appeales de felony sont atteints, q. ilz eyent le seale lour seigniour, qui mainpast ils sont, ou q. homes p. homage counterfait, ou autrement fause, &c. Et si tiels manners des faits soient atteints a nostre suit, si soient pur le seale fause juges a judgment de pillory, ou de perdre le oraile si le fait soit simple: et si le fait soit grand et leyde, sicome touchant disherison ou perpetuall domage, si sorient juges à la mort." Fleta saith, "Crimen falsi dicitur, cum quis accusatus fuerit vel appellatus quòd sigillum regis, vel domini sui de cujus familia fuerat, falsaverit, et brevia inde consignaverit; vel cartam aliquam vel literam ad exhæredationem domini, &c. sigillaverit; in quibus causis si quis convictus fuerit, detractari meruit et suspendi. Et quod de hujusmodi falsariis dicitur, de sigilla adulterina cartis et literis apponentibus dicatur id idem." And in another place he saith, "Est etiam atrox injuria quæ perpetuam inducit infamiam cum pœna pillorari vel tumbrelli, quæ quandoque fit per falsarios sigillorum (dum tamen non regis, nec domini sui de cujus fuerit familia)." We have the more willingly repeated these ancient punishments, to shew how in part (viz. concerning the ears and pillory) this act (5 Eliz. c. 14) for the first offence concurreth with the ancient punishments." 3 Inst. 168, 169.

(*f*) The 1 Hen. 5, c. 3, unequal in wisdom to the 5 Eliz. c. 14, gave an action to the party grieved, without rendering, as did the 5th of Elizabeth, self-love subservient to public justice, by making the suit as well a *criminal* as a *civil* proceeding. As in the early stage of society, this motive (self-love) is the only permanent source of public proceedings; whatever might have been the state of things at the passing of the 1st of Henry 5, (and no memorials later than those of the Mirror, Britton, and Fleta, appear,) prosecutions for forgery must, from the more complete gratification which that statute afforded, have fallen, immediately, into disuse.

Secondly, the falsehood charged is in the circumstance of name only; not that the words of the statute are limited to this case only; but this species of falsity, which even now is the most common of any, was probably in former days the only one in use. Suitably, therefore, to this limited state of things, and having, perhaps, in his mind, the kindred grievance of Deceit, (that of doing any thing in the name of another) Sir Edward Coke, in speaking of Forgery, says, "it is properly taken when the act is done in the name of another person." (*g*)

And the falsification of names.

Thirdly, the grievance charged is, not merely the fabrication of a deed, but its publication likewise. The idea of a possibility of damage, unless very near and impending, being injurious, is a notion too refined for rude legislators. And accordingly, the first of Henry the Fifth states the grievance to be, a forgery followed by publication; so that when the question arose, whether the latter circumstance was essential to the action, all agreed in the affirmative (*h*). This publication, however, was, it should seem, considered a sufficient injury, from the imminent jeopardy in which it necessarily placed the owner's property, and the disquietude which it necessarily occasioned; and that an action immediately lay, without waiting for any farther results.

Publication also was essential.

The idea, then, of Forgery, as a Civil Injury, was, Forging and publishing, in another's name, a deed relating to real property. All other injuries, similar in their kind, that were remedied by civil suit, were remediable by writ of Deceit: those, for example, of personating another in a judicial proceeding, acknowledging a fine in his name, and so forth.

Idea of forgery as a Civil injury.

It is reasonable to believe, that this Civil notion of Forgery would have altogether governed its definition as a Crime. But circumstances can be shown, through the agency of which more liberal ideas were entertained.

Influence of this idea in defining it as a Crime.

The crime not having been recognized at common law (a mode of speech sanctioned by the long disuse, and consequent failure of precedent) till after the fifth of Elizabeth, the notions, introduced by that statute, would, when they came into conflict, triumph over the civil definition; and accordingly, it seems to have been considered from the first, that publication was not essential to the crime; forgery of itself being punished by the statute.

Controlled by the 5th of Elizabeth;

Another circumstance favourable to extension was, that injuries remediable by Writ of Deceit, though very similar in their kind to those remediable by Writ of Forger of False Deeds, were much more diversified. Forging the impression of a seal, personating a suitor, acknowledging a fine—all were redressed by this comprehensive writ; and being frauds committed through the medium of writing, it could hardly happen but that the notions of the two injuries would intermingle and be confounded. The consequence of this confusion would be, that the idea of forgery, as a crime, would be made up of both classes of injury; to say nothing of the influence of the fifth of Elizabeth; and accordingly, it seems to have included, from the first, deeds relating, not merely to lands, but to any other subject; and not deeds only, but any other writing then in use, and possessed of a distinctive character.

The Writ of Deceit;

In this number, however, (writings then in use, and distinctive) few not being under seal are to be reckoned. Hence it was, that when they came to be multiplied, and the forgery of a simple acquittance was made the subject of prosecution, a doubt arose whether the act was a crime. After, however, the fullest consideration, the prosecution was maintained, and the rule has ever

and the reason of the thing.

(*g*) 'To forge is metaphorically taken from the smith, who beateth upon his anvil, and forgeth what fashion or shape he will: the offence (as it appeareth before) is called *crimen falsi*, and the offender *falsarius*, and the Latin word to forge is *falsare* or *fabricare*. And this is properly taken when the act is done in the name of another person.' 3 Inst. 169.

(*h*) 9 Hen. 6, p. 26, ca. 22.

since been, that, at common law, writings of every description, whether written or printed, and whether of record, under seal or by parol, are equally the subjects of forgery; being equally within the mischief of the crime.

Whether Seals and similar matters are the subjects of forgery.

The question upon this branch of the inquiry still remains, whether Seals, or rather their Impressions, with other similar subjects, are upon a similar footing with writings; and, in all probability, it will be found that they are; though, as no positive authority has sanctioned this notion, the definition of forgery, hereafter given, has been confined to writings only.

Whether any evil intention is sufficient; or a Fraudulent intention only.

In this way, the idea of Forgery as a Crime, compared with the idea of Forgery as a Civil Injury, came to be enlarged in two very important particulars. Still, however, another fetter remained to be shaken off; but whether it has been removed, or still clogs the common law definition, from the silence of the authorities (*i*) cannot yet be known. The civil injury having property for its object, a fraudulent intention was its necessary companion. But the criminal offence embracing, as it may, the whole range of injustice, there seems to be no reason thus to narrow its objects, or limit the motive from which it shall proceed. In obedience, however, to the language of the authorities, we must, for the present, consider it thus limited.

The Definition of Forgery at Common Law, by

And so much for the notions of Forgery at Common Law. The Definition into which they have settled down, is stated to be:

Blackstone, J.

By Mr. Justice Blackstone:—The fraudulent making or alteration of a writing, to the prejudice of another's right (*k*).

Buller, J.

By Mr. Justice Buller:—The making a false instrument, with intent to deceive. (*l*)

Eyre, B.

By Mr. Baron Eyre, upon one occasion:—A false signature made with intent to deceive. (*m*)

By the same learned judge, upon another occasion:—The false making an instrument, which purports on the face of it to be good and valid for the purposes for which it was created, with a design to defraud (*n*).

The twelve Judges.

By Mr. Justice Grose, in delivering the opinion of the twelve judges:—The false making a note or other instrument, with intent to defraud (*o*).

Comyns, C. B.

By the Chief Baron Comyns:—Fraudulently writing or publishing a false deed or writing, to the prejudice of the right of another (*p*).

Sir Edward East.

By Sir Edward East:—A false making, a making *malo animo*, of any written instrument, for the purpose of fraud and deceit (*q*).

Serjeant Hawkins.

And by Mr. Serjeant Hawkins:—Falsely and fraudulently making or altering (*r*).

Who likewise observes, that "the notion of forgery does not seem so much to consist in the counterfeiting a man's hand and seal, which may often happen to be done innocently, but in endeavouring to give an appearance of truth to

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(*i*) *Sed vide infra*, the definitions of Mr. Justice Buller, Mr. Baron Eyre, and Sir Edward East.

(*k*) 4 Com. 247.

(*l*) Rex v. Coogan, East's P. C. c. 19, s. 43; Leach, 448.

(*m*) Rex v. Taylor, East's P. C. c. 19, s. 47.

(*n*) Rex v. Jones, Leach, 366.

(*o*) Rex v. Parkes, Leach, 775; East's P. C. c. 19, s. 50.

(*p*) Com. Dig. Forgery.

(*q*) East's P. C. c. 19, s. 1.

(*r*) 1 Hawk. P. C. c. 70, s. 1.

a mere deceit and falsity, and either to impose that upon the world as the solemn act of another which he is no way privy to, or at least to make a man's own act appear to have been done at a time when it was not done, and by force of such a falsity to give it an operation, which, in truth and justice, it ought not to have" (*s*).

A Definition proposed.

Upon the whole, then, and without reference to the qualities of the writing (which will be better learnt from description than definition) Forgery at Common Law may be Defined—

FRAUDULENTLY INVESTING ANY WRITING WITH A FICTITIOUS CHARACTER;

Arrangement of the subject.

And resolved into its component parts, the definition will furnish the four first of the following heads, under which the doctrine of forgery may be classed; the remainder are common to all branches of criminal law:—

The Different Species of Forgery.
The Criminal Intention.
The Means employed to Accomplish the Intention.
The Accomplishment of the Intention.
Degrees of Guilt.
Parties to the Crime.
Means of Preventing the Crime.
Procedure.

General Rules, originated by the Statutes, referred to the Common Law Division.

To the division of the subject—the Common Law Doctrine of Forgery, will be referred all those General Rules which, though arising out of prosecutions upon Statutes, were laid down with reference to the Crime in the Abstract, and not with reference to the wording of an Act of Parliament.

(*s*) 1 Hawk. P.C. c. 70, s. 2.

SECTION I.

Of the Different Species of Forgery at Common Law.

1. SINCE the writings are various of which forgery may be committed, the crime is distinguished into a variety of species.

General rule. 2. At common law (*a*), writings of every description, whether of a public or a private nature; whether written or printed; whether of record, under seal, or by parol: and whether invested with a legal character or not, are equally the subjects of forgery: being equally within the mischief and definition of the crime. Rex *v.* Ward, Ld. Raym. 1461; Str. 747; 1 Barn. B. R. 10.

Information (at common law) that defendant, being bound to deliver 315¼ tons of alum to the Duke of Buckingham; with intent to avoid the delivery, upon the back of a certain certificate in writing, signed by one A. W. forged the following writing:—'Mr. John Ward, I do hereby order you to charge the quantity of 660 tons and 1quarter of alum to my account, part of the quantity here mentioned in this certificate; and out of the money arising by the sale of the alum in your hand, pay to Mr. W. Ward and yourself 10*l.* for every ton, according to agreement; and for so doing this shall be your discharge.—Buckingham. April 30th, 1706.'—*Objected*, that the writing was not of that description of which, at common law, forgery could be committed. That forgery, at common law, must be of a record, or something of a public nature, or a deed (Britt. 16. Fleta, c. 22.); not of private writings of an inferior nature (1 Hawk. 184.) (*b*); and accordingly, that to say, A. has

' Schedule:

Tons.	*c.*
660	5
315	5
976	10

(*a*) Upon the question, what are those writings of which, by the *Scotch* law, a *capital* forgery may be committed, Professor Hume, touching the article of *form*, observes, that the practice does not much distinguish; but holds the forgery for a capital offence, whether the writing is in the shape of a solemn and regularly attested deed, in which the hands of the party, writer, and witnesses, are all counterfeited; or in that of a holograph writing; or though it even be a naked and unvouched subscription, such as the acceptance or indorsement of a bill of exchange. This, indeed, has never been disputed, excepting in the trial of Raybould, in 1768, for the forgery of bank notes; for whom it was objected, that the *capital* crime could not be committed by counterfeiting unauthenticated subscriptions, such as the names of the officers of the bank. This plea was, without hesitation, overruled.

Touching the *Subject*, also, and *Tenor* of the false deed, he observes, that not much distinction seems to be made. At common law, a *capital* forgery may be committed either of a private writing, or one of a public and an official nature, such as an extract, a notarial instrument, or any certificate in a matter of revenue, which the officers of that department have to grant, in the course of their duty, or in compliance with a statute. Among private writings, it is not confined to those, which, like bills, bonds or bank notes, are calculated for patrimonial profit: it equally applies to all such forgeries as tend to any purpose of personal security, or revenge, or other gratification or advantage, in itself of a grave and serious nature, and by the panel deemed sufficiently material to be compassed in this way.

(*b*) 'Forgery, by the common law, seemeth to be an offence in falsely and fraudulently making or altering any matter of record; or any other authentic matter of a public nature, as a parish register; or any deed, or will; punishable by fine and imprisonment, and such other corporal punishment as the court in discretion shall think proper. I shall endeavour to shew, that a man may be guilty of forgery in respect of all the above-mentioned writings and no other. And first, it is clear, that one may be guilty thereof by the common law, by counterfeiting a matter of record; for since the law gives the highest credit to all records, it cannot but be of the utmost ill consequence to the public to have them either forged or falsified. Secondly, also there seemeth to be no doubt, but that one may be guilty of this crime by the common law, by forging any other authentic matter of a public nature, as a privy seal, or a licence from the barons of the exchequer to compound a debt, or a certificate of holy orders, or a protection from a parliament man. Thirdly, it is also unquestionable, that a man may be in like manner guilty of forgery at common law, by forging a deed, and surely there cannot be any reason to doubt, but that one may be equally guilty by forging a will, which cannot be thought to be of less consequence than a deed. But I do not find this point any where directly holden. As to other writings of an inferior nature, it seems to have been generally laid down as a rule, that the counterfeiting of them is not properly forgery; and some have gone so far as to hold, that the forging another's hand, and thereby receiving rent due to him from his tenants, is not punishable at all; and therefore it cannot but be more safe to proceed against offences of this nature as *cheats*, than as *forgeries*. But surely it cannot be proved by any good authority, that such base crimes are wholly disregarded by the common law, as not deserving a public prosecution; for the opinion in the books above cited (*which he quotes*) that they are punishable by no law, seems by no means to be maintainable, since many of them are most certainly punishable by force of 33 Hen. VIII. c. 1. Neither can it be a convincing argument, that they are not punishable at common law, because they are of a private nature, since deeds concerning

forged a writing is not actionable (1 Sid. 16.) That the 33 Hen. VIII. c. 1, proves this, since that act, which makes it penal to obtain property by counterfeit letters, would have been unnecessary had such counterfeits been punishable at common law as forgeries. *Held*, that the offence was forgery at common law. The Judges said, that although some of the forgeries at common law mentioned in the Mirror, c. 4 & 5; Britt. 16. and Fleta, l. 1. c. 22, which are cited in 3 Inst. 169, were capital, and as the law then stood punished with death; and others of them punished with lesser though infamous punishments; yet none of these books say, that the forgeries there particularly specified were the only forgeries punishable by the common law. It is not to be disputed, but that forging a deed was a forgery punishable by the common law; now forging a writing not sealed may be equally mischievous with forging a deed, and therefore, as to the nature of the offence, it falls under the same reason: and ubi eadem est ratio eadem est lex. A forgery of a deed, though the prejudice arising therefrom may not be 40*s.*, is punishable as a forgery at common law. But the forging of a goldsmith's note, bills of exchange, &c. may be of vastly more mischievous consequence; and therefore it is reasonable the offender should suffer the same punishment at least. It further appears by the preamble of the statute 5 Eliz. c. 14, that

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private matters are also of a private nature as much as other writings concerning such matters; yet no one will say, that the making a false deed concerning a private matter is not punishable at common law. But perhaps it may be reasonable to make this distinction between the counterfeiting of such writings, the forgery whereof hath been already shewn to be properly punishable as forgery, and the counterfeiting of other writings of an inferior nature, that the former is in itself criminal, whether any third person be actually injured thereby or not, but that the latter is no crime, unless some one receive a prejudice from it.' 1 Hawk. c. 70. s. 1. 8, 9, 10, 11. Sir Edward East observes, 'that the more early writers, on the crown law, seem to have fettered their definitions of the nature and principle of the offence, with its application to the particular species of instruments alone to which the experience and necessity of their own times had extended it: these were either public instruments or deeds.' East P. C. c. 19. s. 1. And again: 'to what instruments the crime of forgery was applied, at common law, seems to have been very indistinctly marked. It was never doubted but that it extended to the falsification of records, and other instruments of a public nature; as a parish register, a privy seal, a license from the barons of the exchequer to compound a debt, a certificate of holy orders, a protection from a member of parliament, or the like. It is equally clear, that it extended to private deeds or instruments under seal; and as Hawkins and other writers think, to wills also, by a parity of reasoning; though he admits that he does not find the point any where directly holden. And it is no matter of surprise to find so able a writer treading, with so much caution, in a path now, indeed, too well beaten, but which previous to the time of the Revolution, when paper securities became much more common, had been but little explored. The few occasions which occurred in early times of transferring property, by written instruments, from one to the other, were for the most part under seal. It was the most easy and practicable method when few persons among the laity could write, and therefore it was natural enough for the first writers, on this subject, to adapt the language of their definition to the common experience of the times. But such a distinction never appears to have been solemnly adopted; and the subject having since undergone much deeper and more frequent consideration, the modern definitions which have been before given are better adapted to the nature and principle of the offence, and to the prevention of its pernicious consequences to society. The last mentioned writer stopped short even of the experience of his own and former times, when he proceeds to say, that it seems to have been generally laid down as a rule, that the counterfeiting of writings of an inferior nature (to deeds and wills) is not properly forgery: but it appears that he was not satisfied with the authorities to which he refers in this respect, nor with the principal reason on which they were founded, namely, that such writings were of a private nature; a reason which, as he justly observes, would apply as well to deeds. And not being able to satisfy himself upon the subject, he suggests a distinction to be made between the counterfeiting of such writings (*i. e.* under seal, and public documents) as is allowed to be forgery properly so called, and the counterfeiting of other inferior writings, that the former is in itself criminal, whether any third person be actually injured thereby or not; but that the latter is no crime unless some one receive a prejudice by it. But however plausible this may be, it is by no means a solution of the difficulty. It is a mere conjecture, which leaves the crime of forgery as indistinct in principle as before, and tends to confound it with the general class of cheats, the distinction between which was well settled in Ward's case. It was there shewn to be immaterial to the offence of forgery, properly so called, whether any person were prejudiced or not, provided any might have been prejudiced. But that to constitute a cheat properly so called, there must be a prejudice received, both at common law and under the statutes of 33 Hen. VIII. c. 1, and 30 Geo. II. c. 24. But further, it does not appear upon full consideration of the books to which Hawkins refers, that it is any where adjudged, or is even generally laid down, that the counterfeiting of writings of any sort, whereby any person may receive a prejudice, if done lucri causâ or malo animo, is not punishable as forgery. The authorities referred to by him are all cases of actions for slander; many of them contradictory, and some since expressly denied to be law; all of them prior to Ward's case, where the general result of the authorities on this subject was plainly shewn to be against such a conclusion. But even with respect to those books which seem at first sight most strongly to warrant the notion, that writings of an inferior nature, such as letters, are not the subjects of forgery at common law; if fairly considered and compared, they amount to no more than this, that the imputation of counterfeiting letters or writings frivolous or of no moment, or from whence no damage could ensue, or of uncertain signification, is not actionable. In none of these instances to be sure would the crime amount to forgery; but it is plain that the objection would be to the substance, and not to the form of the writing; for the fraud and intention to deceive constitute the chief ingredients of this offence, and the very qualifications introduced afford some presumption against the generality of the rule supposed to be deducible from those authorities.' East P. C. c. 19. s. 7.

forging of writings was punishable at common law; for the statute recites, 'that whereas the wicked, pernicious and dangerous practice of making, forging and publishing false and untrue charters, evidences, deeds and writings, hath of late been more practised, &c. which seemeth to have grown chiefly by reason that the pains and punishments limited for such great and notable offences by the laws and statutes of this realm before this time have been and yet are so small, mild and easy,' &c.: so that statute takes notice that forging of writings was punishable by law before that statute, that is by the common law; for it says, by the laws and statutes of the realm. And they further said, that this was not a new point, and that they relied on the cases which had been cited by the counsel for the king. 5 Mod. Rep. 137; 1 Salk. 342: The defendant was indicted for forging or causing to be forged a bill of lading; and this was at common law, as appears in 5 Mod. 137. The King *v.* Stocker: the Court held the indictment ill for uncertainty, but not because the offence was no forgery at common law, and not punishable. 1 Sid. 278. The King *v.* Ferrers: the defendant was indicted and convicted for forging an acquittance, the record of which is in Tremaine's Intr. 129, where it appears to have been an indictment at common law, and the defendant was fined and bound to his good behaviour. Raym. 81. Farr's case: indictment at common law for forging a warrant of attorney, and judgment of fine and pillory and imprisonment. 2 Sid. 71. Dudly's case: for forging the entry of a marriage in a register. Rex *v.* Penny, &c. Intr. H. 20 Car. II. B. R. Crown Off. Roll. 21; indictment for forging a general release at common law. Hil. 34 Car. II. Rot. 35. The King *v.* Sheldon: indictment for forging a bill of exchange at common law, and judgment against the defendant. And lately a case of the same nature between the King and Ward, and conviction at the Old Bailey, (that was the present defendant's brother); the defendant escaped, and has not been took since. Stiles, 12. Savage's case: for forging of letters of credit, and also for a cheat. 1 Sider. 142. The King *v.* Deakins: for forging a protection of Sir A. A. C. 1 Salk. 400. The King *v.* Yarrington. and Fortescue, Justice, cited the Queen *v.* Traverse, which was an indictment at common law for forging the indorsement on an army debenture; for it was indorsed to Bridgett Gradon, and the defendant altered the name, and made George Graden, and judgment was given against the defendant. As to the objection made from the cases for words, the reason for those cases was, because it did not appear what the writing was that was forged, and it might be a writing of no consequence, or that could prejudice nobody, and the rule was at that time to take words in mitiori sensu. But the Chief Justice said he apprehended, if the case of Vannor *v.* Wootton, Cro. Eliz. 166, was to be adjudged now, it would be adjudged otherwise than it was; for it appears, by the words, a forging of a writing was meant, whereby the forger had prejudiced his sister, for he received the rents by reason of that forgery which were due to his sister, which imported a complete forgery; and whether the writing was a letter or other writing the scandal was the same: and the case relied on, as cited by Croke, as adjudged 3 Eliz. before 5 Eliz. in Yelv. 146, was the same case as Cro. Eliz. 166, which was in 32 Eliz. long after the statute of 5 Eliz. As to the objection raised from the statute of 33 Hen. VIII. c. 1, that if such sort of forgeries as these were punishable at common law, that statute was unnecessary, the Court said, that that statute did not create new offences, for the crimes therein mentioned were crimes at common law, but increased the penalty. Upon that statute, no fact was punishable but where the offender had carried his fraud into execution, and got the money or goods into his possession, whereby the party defrauded was actually prejudiced. But a man is punishable for a forgery, if it may be prejudicial, though the mischief is prevented by the discovery of the forgery. Rex *v.* Ward, Ld. Raym. 1461; Str. 747; 1 Barn. B. R. 10; B. R. 11 Geo. I. (*c*).

Records. 3. Hence it is forgery to fabricate a judgment, or other record. Garbutt *v.* Bell, 1 Roll. Abr. 65 (1); 76 (2). Rex *v.* Marsh, 3 Mod. 66 (3).

(1) Si A. dit de B. I have found out B. now, I have found records which he hath forged, and he shall dearly pay for it; I have catched the forgerer; action gist pur ceux parols coment que ne appiert le quel il intend records de copihold mannor ou quel auter record, car serra intend d'estre un voier record, d'un court de record: et si soit un voier record le forger de quel nest deins l'estatut de 5 Eliz. ou 1 Hen. V., uncore est grand slander. Garbutt *v.* Bell, 1 Roll. Abr. 65; B. R. Mich. 13 Car. I.

(2) Si A. dit de B. I have found out B. now, I have found records which he hath forged, and he shall dearly pay for it; I have catched the forgerer; action gist pur ceux parols, coment que ne appiert que il intend un record en un court de record, mes poet estre que il intend un copihold record ou auter chose que nest un voier record, mes forsque un record en appellation, car serra intend solonque les parols un voier record. Garbutt *v.* Bell, 1 Roll. Abr. 76; B. R. Mich. 13 Car. I.

(3) James Marsh, John W. and John L. were indicted upon the coroner's inquest for the murder of R. D. at H. in Kent; and upon this indictment they were arraigned and tried at the bar this term. The fact upon the evidence appeared to be, that the prisoners were custom-house officers, who suspecting that some wool would be transported, went to the sea-side in the night-time, where there happened an affray, and the prisoner Marsh was twice knocked down, and recovering himself shot the deceased. They were all acquitted of the murder; and then upon complaint made, that Marsh was only found guilty upon the coroner's inquest, two of the said jury were now sworn in court, who deposed, that they, upon the coroner's inquest, found the indictment against Marsh alone, which indictment was in English; but that one J. D. who was then mayor of H., and who by virtue of that office was also coroner, took the indictment, and told the jury it must be turned into Latin, which was done, and he then inserted the names of the two other prisoners now at the bar; whereupon the said Mr. D. was now called, and he appearing, was bound in a recognizance to answer this matter; and the two prisoners, who were acquitted, were likewise

(*c*) Sir Edward East observes, that this case has now settled the rule, that the counterfeiting of any writing with a fraudulent intent, whereby another may be prejudiced, is forgery at common law. East P. C. c. 19, s. 7.

bound to prosecute him, and the jurymen were ordered to put their affidavit in writing, and swear it in court. An information was afterwards exhibited against Mr. D. which was tried at the bar in Trinity term following, and he was found guilty; but having spoke with the prosecutor in the long vacation, he was only fined 20 nobles in Michaelmas term. Rex *v.* Marsh and others, 3 Mod. 66; B. R. 1 Jac. II.

4. Or a writ. Wiltshire *v.* ——, Yelv. 146 (1); Sale *v.* Marsh, Cro. Eliz. 178 (2) (*d*). Writs.

(1) 'James Wiltshire hath forged the late queen's writ.' And affirmed, upon a writ of error, that the words are actionable; for the queen's writ is of an high nature, and of record, being the ordinary process to bring in the party to answer, and for forging of which writ the party may be punished both at common law and in the star chamber. But by Crooke, justice: To say I. S. hath forged his father's hand, whereby he procured the tenants to pay him the rent due to his father, is not actionable, as it was adjudged 3 Eliz. (*e*) because it refers only to a private matter, and is rather an aspersion than a slander; for the son by no law is punishable for it. Yelverton of counsel pro querente. Wiltshire *v.* ——, Yelv. 146; B. R. Mich. 6 Jac. I.

(2) Action for these words 'thou hast used juggling with me, but thy juggling shall not serve thy turn, and hast forged a writ of quare impedit (innuendo, a writ of quare impedit) against him and the bishop of Coventry.' After verdict it was moved by Lewis that the words were not actionable. Curia: The first words are not actionable, but the last will well bear an action. And the plaintiffs had judgment. Sale *v.* Marsh, Cro. Eliz. 178; B. R. East. 32 Eliz.

5. Or a deed. Pudsey *v.* Pudsey, 1 Roll. Abr. 66 (1); Rex *v.* Farr, T. Raym. 81 (2); Mosse *v.* Reade, Ow. 47 (3); Rex *v.* Ferrers, 1 Sid. 278 (4); Newman *v.* Shyriff, 3 Leon. 170 (5); Rex *v.* Penny, cited Ld. Raym. 1465 (6). Deeds.

(1) Si home dit al I. S. 'thou hast caused a deed to be forged, and a dead man's hand to be put to it, and cheated and couzened my husband of his land;' action gist pur ceux parols, coment que il ne expresse quel manner de fait ceo fuit, scilicet un tiel fait le forgerie de que est deins l'estatut de forgerie, car forgerie est un offence al common ley coment nemy deinz l'estatut, de que il poet estre indict. Pudsey *v.* Pudsey and wife, 1 Roll. Abr. 66; B. R. Mich. 15 Car. I.

(2) Infra, pl. 6.

(3) The defendant called him thief, and thou forgest a deed; and a verdict was found for the plaintiff; and in arrest of judgment it was said, that thief generally, without saying of what nature specially, will not bear action. But Wray, chief justice, denied that, and said that it had of late been adjudged to the contrary; and Gawdy against him. But as to the words, that he had forged a deed, adjudged that the action will lie, although it be not specially alleged what manner of deed was forged. Mosse *v.* Read, Ow. 47; C. B. East. 32 Eliz.

(4) F. fuit indite et convict de forging de un acquittance, al prosecution de Dame Grantham, la éeant several suites inter eux. Et le court luy fine 100 *l.* et lie luy al bone port per un an. Rex *v.* Ferrers, 1 Sid. 278; B. R. East. 18 Car. II.

(5) The lady Newman, sister of James Wingfield lately deceased, exhibited a bill of complaint in the star chamber against one Shyriff, dwelling in Ireland, and two others; setting forth, that the said Shyriff had forged a deed, purporting that the said James had by the same given to him all his goods; and also that the said James had assigned to the said Shyriff a lease for years of lands in Ireland; and also that the said Shyriff had procured the said two other defendants to depose upon their oaths, before the town-clerk of London, that the said deed was sealed and delivered by the said James as his deed. It was moved by the counsel of the defendants, that these matters of forgery are not within the statute of 5 Eliz., nor also the perjury, or the procurement of it: whereupon the lords of the council referred the consideration of the said statute to both the chief justices, who the next court day declared their opinions upon the said matters; that the said statute did not extend to forgery of a deed conveying a gift of chattels personal: which see by the statute, which, as to that point, extends but to obligations, bills obligatory, acquittance, release, or other discharge. And also a deed of an assignment of a lease of land in Ireland is not within the said statute. And also the said justices were of opinion, that this perjury and the procurement of it, is not punishable by the said statute, because the oath was taken coram non judice; for the town-clerk of London cannot minister an oath in such case, no more than a private person. But because the bill in the perclose and conclusion of it was 'contrary to the laws and statutes of this realm,' the said chief justices were of opinion, that the said court might punish those offences as misdemeanors at the common law, but not according to the statute. And afterwards Shyriff paid for a fine 3 *l.*; and, by order of the court, was set in the pillory. Newman *v.* Shyriff, 3 Leon. 170; Cam. Stel. Mich. 29 Eliz.

(6) Supra, pl. 2.

(*d*) Hawkins observes, as to where persons are punishable by *attachment* for forging of writs, and other deceits of the like kind, tending to impose on the court: nothing can be more frequent than to proceed in such manner for offences of this kind, as for altering the teste of writs, or for filling them up after they are sealed, or for bringing groundless actions in order to entitle the parties to the privilege of the court, or for getting judgment in ejectment by affidavit of the service of a declaration on one who was procured to personate the tenant, or for any such like practices. 2 Hawk. c. 22. s. 43.

Sir Edward East observes, that, in no instance, can the counterfeiting or alteration of any judicial process or matter, be less than a very high misdemeanor, as tending to stop or impede the course of justice, or to encroach upon the judicial power. East P. C. c. 19. s. 9.

(*e*) Sed vide supra, in pl. 2. (Rex *v.* Ward) that the case was adjudged in 32 Eliz. and is reported in Cro. Eliz. 166.

6. Thus, a warrant of attorney under seal. Rex *v.* Farr, T. Raym. 81.

Farr was indicted at common law for forgery of a warrant of attorney, and he demurred upon the indictment, and adjudged against him, and his sentence was, that he shall be set upon the pillory the first day of the next term with a paper, and then at the Exchange, and pay 100 marks, and imprisonment during the pleasure of the court. Rex *v.* Farr, T. Raym. 81; B. R. Mich. 15 Car. II.

Simple writings.

7. Or any simple writing. Rex *v.* Ward, Ld. Raym. 1461 (1); Str. 747 (2).

(1) Supra, pl. 2. (2) Ibid.

8. Whether such writing be of a public nature:

9. As a commission under the privy seal. Ball *v.* Baggarley, 1 Roll. Abr. 68; Id. per nom. Baal *v.* Baggerley, Cro. Car. 326; 1 Jones, 325.

Si home dit al I. S. 'thou hast forged a privy seal, and a commission, and why dost thou not break up this commission and serve it?' (innuendo, the commission of the plaintiff); action gist pur ceux parols sur tiel declaration, car serra intend le privy seal del roy per excellentiam, et nemy le fabrick del seale solement, mes auxi le mister de ceo al ascun escript, et auxi un commission del roy, que fuit en ascun matter concernant le plaintiffe, come les parols import en common parlans. Ball *v.* Baggarley, 1 Roll. Abr. 68; B. R. Mich. 9 Car. I. dubitatur, et postea stay en arrest de judgment: mes puis judgment fuit done pur le plaintiffe per curiam.

10. A license from the Barons of the Exchequer to compound a debt. Gregory *v.* Wilks, 1 Roll. Abr. 65; 2 Bulst. 137.

Si A. exhibit un information en l'exchequer, vers 2 homes pur succider de bois, et puis un del barons done a luy licence per escript a compounder ove eux; sur que C. dit de B. 'the licences which I had in the Exchequer were counterfeited, and B. did forge them;' l'action gist pur B. pur ceux parols sur tiel declaration, coment que il parle de licences indefinitement, et coment que nul licence poet estre done per 18 Eliz. devant respons del defendant, que nest allege, car a dire que il forge tiel licences devant respons est un grand slander. Gregory *v.* Wilks, 1 Roll. Abr. 65; B. R. Mich. 11 Jac. I.

11. A certificate of holy orders. Slader *v.* Smallbrooke, 1 Lev. 138; Id. per nom. Slater *v.* Smalebrooke, 1 Sid. 217.

Fuit move pur prohibition al spiritual court sur suggestion que ils sue un la pur forgeing de letters de ordination, mes le verity fuit que ils luy sue la pur luy deprive, quia mere laicus pur que le court ne voet grant prohibition. Et ils dionit que si un soit sue en spiritual court pur perjurie ou forgerie ou auter tiel crime, al intent pur luy purge ou pur luy trye si soit culp. al intent pur luy deprive nul prohibition vaer, mes si un soit sue la pur luy puny per corporal paine ou fine, &c. prohibition vaer. Slater *v.* Smalebrooke, 1 Lev. 138; 1 Sid. 217; B. R. Trin. 16 Car. II.

12. A protection from a parliament man. Rex *v.* Deakins, 1 Sid. 142.

D. fuit indict pur counterfeiting un protection in le nosme de Sir Anthony Ashley Cooper, que fuit adonque un del privy councel le roy, mes nient noble, le quel protection le dit D. vend pur 6*l.* Et il fuit trove culp. de cest counterfeiting et extortion, et apres fuit move que ceo fuit nul offence, intant que le protection fuit merement void, car coment la fuit adonque un parliament uncore Sir A. ne fuit de ceo, et il fuit fait noble puis. Mes nient obstant ceo le court deema ceo un grand offence, intant que per tiels protections inults sont impoverish et disable de recover lour just detts: pur que le court fine D. 50*l.* et imprison luy tanque il ceo pay. Rex *v.* Deakins, 1 Sid. 142; B. R. East. 15 Car. II.

13. An order for the discharge of a prisoner; thus, a prisoner attached for a contempt. Rex *v.* Fawcett, East P. C. c. 19. s. 7.

Leander Fawcett, who was confined in the gaol of York under an attachment issued out of the court of B. R. for a contempt (but not for non-payment of money), which was indorsed 'By rule of court for contempt, Dawson ex parte Fawcett,' was tried before Buller, J. at York, on an indictment framed as for a misdemeanor at common law; which charged in substance—That A. Dawson had prosecuted a writ of attachment out of B. R. directed to the sheriff of York, whereby he was commanded to attach the defendant, which writ was delivered to the sheriff, and by virtue of which he arrested the defendant; and that the sheriff by his warrant committed him to the custody of the gaoler; by virtue of which writ and warrant he was conveyed and detained in gaol for the cause expressed, there to remain until he should be thence discharged by due course of law. That the defendant contriving the due course of law to hinder and pervert, and by false means, &c. to procure his discharge and effect his escape, &c. on the 26th of February, 33 Geo. III. with force and arms at, &c. did forge, &c. a certain writing purporting to be signed in the name of the said A. Dawson, &c. and to contain his authority to the sheriff for the defendant's discharge, &c. as follows: 'To the high sheriff of the county of York, his deputy, &c. and gaoler.—As to any writ, attachment, or any other process or cause whatsoever, at the suit, instance or promotion of me, A. Dawson, by reason whereof Leander Fawcett is now detained a prisoner in your custody, you may forthwith discharge and set at liberty him the said L. F. unless detained at the suit of some other person; and for so doing this shall be your warrant and indemnity. (Dated) 26th Feb. 1793. (Signed) A. Dawson;' and witnessed by one R. W. That the defendant, further contriving to complete his evil purpose, unlawfully, wickedly and falsely, did forge, &c. a certain other writing, purporting to be an affidavit subscribed and sworn by one R. W. (the witness to the above order) before one J. P. one of the commissioners appointed for taking affidavits in B. R. &c. of the following tenor (setting forth an

affidavit of the execution of the before-mentioned order): whereas, in truth and fact, the paper writing in the said supposed affidavit mentioned was not the hand-writing of the said A. D. nor by him subscribed; nor the words 'R. W.' subscribed as witnessed thereto, nor the name R. W. &c. subscribed to the said supposed affidavit, the hand-writing of the said R. W. And then it proceeded to charge that the defendant produced and shewed the said several false, forged and counterfeited writings to the then deputy sheriff of the said county; and that the defendant, by colour and pretence of the forged order and affidavit, falsely, knowingly and deceitfully obtained his discharge from imprisonment, and thereby effected his liberation out of the gaol, &c. in contempt, &c. There was another count in substance the same, for publishing the said order knowingly, &c. and thereby obtaining his discharge. The defendant was convicted; and the following questions were reserved for the opinion of the judges: 1° Whether the order were a matter of such a public nature that the counterfeiting of it would be a forgery at common law. 2° Whether, as the attachment was not for non-payment of money, the order, if genuine, would not have been a mere nullity, and the sheriff not authorized to discharge the prisoner under it. 3° Whether upon this indictment the prisoner could be convicted of an offence within the stat. 5 Eliz. c. 14, s. 3. 4° Whether, if he could be so convicted, the punishment prescribed by that section of the statute is so far specific, that it must necessarily be directed by the sentence. Upon the conference in Easter Term 1793, the cases of Ward(*f*) and Dickens (*g*) were cited. Lord Kenyon, C. J. and Eyre, C. J. said, that there was an injury to a third person, and that it was an interruption to public justice; but the latter thought it was not a forgery, but a cheat. The matter was adjourned to Trinity Term, when Eyre, C. J. was still not satisfied as to the forgery; though he thought the indictment good as for a cheat. But all the judges concurred in holding that the offence was indictable as for a misdemeanor at common law; and a great majority (*h*) also thought it was forgery at common law. Rex v. Fawcett, East P. C. c. 19. s. 7; cor. Buller, J. York Spring Ass. 1793.

14. The entry of a marriage in a register. Rex *v.* Dudly, 2 Sid. 71.

Information de perjury fuit port versus Charles Dudly (le titular Duke de Northumberland, bastard fits del Sir Robert Dudly), Sir James Croft et Richard Masters, pur le forging et malitious conspiring et contriving d'un entry del marriage en le register book del East Grinwich en le county de Kent, enter Sir Ro. Dudly et Fra. Vavisor, dame del honour al roign Eliz. que entry fuit al impeachment de le dower del dame Lee, le voir et legal feme del Sir Ro., et al deprivation de les deux loyal files del Sir Ro. et Dame Alice Lee de lour inheritance. Le jury trove le dit Charles Dudly culpable del dit offence, mes les auters deux nemy. Fuit ore move in arrest del judgment que tout fuit void, car les jurors ayant acquit deux ne poent trove lun solement culpable del conspiracy, car c̄ est cy repugnant come impossible. Mes a ceo fuit respond pur plaintiff que tanq. l'indictment soit pur forging, conspiring et malicious contriving, et deux de eux sur ceo acquit et forsque lun trove culpable, uncore l'indictment esteant bone sans le conspiring et le conspiracy forsq. un inducement, ceo est bien maintainable versus lun. Glyn, chief justice: un register book pur l'entry del marriage, births, &c. est un evidence per nostre ley, et le falsifying de ceo soit il per conspiracy ou nemy ne doit estre unpunished. Newdigate: Conspiracy nest le ground de tiel information; mes si doit admit q' cy, uncore semble a moy sur l'auctority de ceux livers, 11 H. 7. 21. F. N. B. 115. k. & 114. d. 1. que ceo poet estre maintain vers lun. Al auter jour le court don lour judgment vers le defendant Dudly, et impose sur luy pur le dit offence un fine de 200 marks, que fuit pluis come ils suppose que il puissoit solver. Fuit auxy pray que le nosme del Sir James Croft serra rase hors del record, et que le record serra en tout deface quant a luy, al intent que ceo ne remainer come un disparagement al posterity, il éent toutment innocent quant a ceo. Et fuit resolve p. court que seroit rase si ils poent monstre ascun president en le cas. Rex *v.* Dudly, 2 Sid. 71; B. R. East, 1658.

15. Or of a private nature:

16. As an acquittance or discharge. Rex *v.* Ferrers, 1 Sid. 278(1); Rex *v.* Ward, Ld. Raym. 1461 (2); Str. 747 (3); Rex *v.* Penny, cited Ld. Raym. 1465(4).

(1) Supra, pl. 5. (2) Supra, pl. 2. (3) Supra, pl. 2. (4) Supra, pl. 2.

17. A bill of exchange or promissory note. Rex *v.* Sheldon, cited Ld. Raym. 1465(1); Str. 748 (2).

(1) Supra, pl. 2. (2) Supra, pl. 2.

18. A bill of lading. Rex *v.* Stocker, 5 Mod. 137; Salk. 342.

The objection taken was to the form of the indictment; thereby, semble, admitting its validity if formal. Rex *v.* Stocker, 5 Mod. 137; Salk. 342; B. R. Mich. 7 W. 3.

19. An indorsement upon an army debenture. Regina *v.* Traverse, cited Ld. Raym. 1465 (1); Str. 749 (2).

(1) Supra, pl. 2. (2) Supra, pl. 2.

(*f*) Supra pl. 2.

(*g*) Semble, Deakins. Supra pl. 12.

(*h*) Mr. Justice Buller's MSS. only makes a quære as to the opinion of Eyre, C. J. But it appears from other MSS. as well as his own, that the Judges all concurred to sustain the conviction on the general ground only before mentioned. East P. C. c. Ibid. n. (a).

20. A letter. Regina *v.* Yarrington, Salk. 406.

The objection taken was as to the competency of the jurisdiction (the sessions) before which the indictment was prosecuted; thereby, semble, admitting the validity of the indictment itself. Regina *v.* Yarrington, B. R. Mich. 9 Ann.

21. And therefore a letter of credence to gather money. Rex *v.* Savage, Stiles, 12.

Though upon other grounds exceptions were taken, yet not upon the ground that the act was not forgery; and a judgment for the crown was ultimately affirmed. Rex *v.* Savage, Stiles, 12; B. R. East, 23 Car. I.

22. A warrant of attorney not under seal. Rex *v.* Farr, T. Raym. 81 (1).

(1) Supra, pl. 6.

23. A will. Coombe's case, Moore, 759; Noy, 101; Dyer, 302.

Objections taken upon other grounds, but not upon the ground that the act was not forgery. Combe's case, Moore, 759; Noy, 101; Dyer, 302; Cam. Stel. East. 3 Jac. I.

Copies. 24. And where the loss of an instrument may be supplied by a copy, the fabrication of a copy will probably amount to forgery: being equally within the mischief and definition of the crime. Upfold *v.* Leit, 5 Esp. 100.

Action to recover back the deposit on an agreement to purchase, the purchase not having been completed. Defence, a receipt in full of all demands. It was relied upon for the plaintiff, that the receipt was procured by gross fraud and imposition; and that the receipt, which had been on another account, had had the words 'in full of all demands' interpolated after it had been given. A copy of the receipt was offered in evidence, on the suggestion of the original being lost. Amongst other suspicious circumstances, it appeared that the defendant had made the copy of the receipt, supposed to have been given by the plaintiff, in his own hand-writing; and had deposited it with an innkeeper at Dorking, desiring him to take care of it in case of any dispute. The copy contained the words 'in full of all demands.' This copy was produced, and was relied upon as evidence. Lord Ellenborough: If the party, by making this copy, and relying upon it as evidence, has destroyed the original, and thinks he thereby avoids a prosecution (*i*) for forgery, he very much deceives himself. I very well remember Mr. Justice Buller trying a man indicted for forgery under circumstances such as these; and that learned judge had no doubt that he might have been convicted on it: He however escaped on other ground. Upfold *v.* Leit, 5 Esp. 100; cor. Lord Ellenborough, Sitt. Hil. 1804.

SECTION II.

Of the Different Species of Forgery by the Statute Law.

25. We have said already, that, at common law, writings of every description are equally the subjects of forgery; and so far, therefore, as written instruments are concerned, the statute law has added nothing to the list. Yet having distinguished those which it has singled out, by different qualities, by different degrees of guilt, by different means of preventing their perpetration, and by different modes of executive justice, from what they possessed at common law, an enumeration of the selected species is therefore necessary.

Distribution. 26. This enumeration of the different species of forgery, denounced by the statute law, will be ordered in the following manner:

Principal divisions; 27. The Principal divisions will be these:—*Writings in General*; *Admiralty*; *Alien*; *Army*; *Bank of England*; *Banker*; *Butter*; *Chancery*; *Charity Brief*; *Coal Meter*; *Dutch Bay Company*; *East India Company*; *Election*; *Exchequer*; *Exchequer Bills in General*; *Exchequer Bills in Particular cases*; *Excise and Customs in General*; *Excise and Customs in Particular cases*; *Fisheries*; *Gun Barrel*; *Hackney Coach*; *Hawker*; *Hops*; *Insurance*; *Kidderminster Company*; *Land Revenue*; *Land Tax*; *Legacy*; *Letters*; *Letters of Marque*; *Linen*; *Linen Company*; *Lottery*; *Marriage*; *Mediterranean Pass*; *National Debt*; *Navy*; *Norfolk and Norwich Weavers*; *Ordnance*; *Parish Register*; *Pawnbroker*; *Pilot*; *Plate*; *Plate Glass Company*; *Post Office*; *Prefines*; *Property Tax*; *Quarantine*;

(*i*) Quære if as well under a statute as at common law.

Receipts; *Record*; *Registration*; *Russian Subsidy*; *Servant's Character*; *Ship*; *Slave Trade*; *South Sea Company*; *Stamps*; *Stock*; *Supply Acts*; *Taxes*; *Thread*; *Turnpike Tickets*; *Vagrants*; *Volunteers*; *Wax*; *Weights*; *Woods and Forests*; *Woollens*; *Wreck*.

Subordinate divisions.

28. The Subordinate divisions of each principal head, will be these, or some of them:—*Forging*; *Erasing* (genuine instruments); *Having in Possession* (counterfeits); *Importing* (counterfeits;) *Uttering* (counterfeits); *Demanding* (another man's dues); *Receiving* (another man's dues); *Offering to receive* (another man's dues); *Personating* (to obtain another man's dues); *Taking a False Oath* (to obtain another man's dues); *Abusing* (genuine instruments).

WRITINGS IN GENERAL.—*Forging*.

Accountable receipt.

29. Any accountable receipt for any note, bill, or other security for payment of money, 45 G. 3. c. 89. s. 1.

30. Or the number or principal sum of any accountable receipt for any note, bill, or other security for payment of money, 7 G. 2. c. 22; 18 G. 3. c. 18.

Acquittance or receipt.

31. Or any acquittance or receipt, either for money or goods, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

32. Or any acquittance of any debt, accompt, action, suit, demand, or other things personal, 5 Eliz. c. 14. s. 3.

Bill of exchange.

33. Or any bill of exchange, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

34. Or any acceptance of any bill of exchange, 7 G. 2. c. 22; 18 G. 3. c. 18; 45 G. 3. c. 89. s. 1.

35. Or any indorsement or assignment of any bill of exchange, 2 G. 2, c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

Bill obligatory.

36. Or any bill obligatory, 5 Eliz. c. 14. s. 3.

Bond.

37. Or any bond, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

Charter.

38. Or any charter, 5 Eliz. c. 14. s. 2, 3.

Court Roll.

39. Or any court roll, 5 Eliz. c. 14. s. 2.

Deed.

40. Or any deed, 5 Eliz. c. 14. s. 2, 3; 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

Discharge.

41. Or any discharge of any debt, accompt, action, suit, demand, or other things personal, 5 Eliz. c. 14. s. 3.

Foreign securities.

42. Or any bill of exchange, or any promissory note, undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking, or order for the payment of money of any foreign prince, state, or country, or of any minister or officer entrusted by or employed in the service of any foreign prince, state, or country, or of any person or company of persons resident in any foreign state or country, or of any body corporate and politic, and body in the nature of a body corporate and politic, created or constituted by any foreign prince or state; whether such bill of exchange, promissory note, or order be in the English language, or in any foreign language or languages, or partly in one and partly in the other, 43 G. 3. c. 139. s. 1.

Tools for forging foreign securities.

43. Or (forging) in or upon any plate whatsoever, any bill of exchange, or any promissory note or undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking, or order of any foreign prince, state, or country, or of any minister or officer entrusted by or employed in the service of any foreign prince, state, or country, or of any person or company of persons resident or being in any foreign state or country, or of any body corporate and politic, or body in the nature of a body corporate and politic, or constituted by any foreign prince or state, or any part of any such bill of exchange, promissory note, undertaking, or order, without an authority in writing for that purpose from such foreign prince,

state, or country, minister, or officer, person, company of persons, or body corporate and politic, or body in the nature of a body corporate and politic, or from some person duly authorised to give such authority, 43 G. 3. c. 139. s. 2.

Impressions from such tools.

44. Or, without such authority as aforesaid, (forging) by means of any such plate, any such foreign bill of exchange, promissory note, undertaking, or order for the payment of money or any part thereof, ibid.

Obligation.

45. Or (forging) any obligation, 5 Eliz. c. 14. s. 3.

Promissory note.

46. Or any promissory note for payment of money, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

47. Or any indorsement or assignment of any promissory note for payment of money, ibid.

Release.

48. Or any release of any debt, accompt, action, suit, demand, or other things personal, 5 Eliz. c. 14. s. 3.

Testament.

49. Or any testament, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

Warrant or order.

50. Or any warrant or order for payment of money or delivery of goods, 7 G. 2. c. 22; 18 Geo. 3. c. 18; 45 G. 3. c. 89. s. 1.

Will.

51. Or the will of any person in writing, 5 Eliz. c. 14. s. 2.

52. Or any will, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

Writing obligatory.

53. Or any writing obligatory, ibid.

Writing sealed.

54. Or any writing sealed, 5 Eliz. c. 14. s. 2.

Or any writing.

55. Or any writing, 5 Eliz. c. 14. s. 3.

Writings in general.—*Having in Possession*

Tools for forging foreign securities.

56. Any plate with any bill of exchange, or any promissory note or undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking, or order of any foreign prince, state, or country, or of any minister or officer entrusted by or employed in the service of any foreign prince, state, or country, or of any person or company of persons resident, or being in any foreign state or country, or of any body corporate and politic, or body in the nature of a body corporate and politic, created or constituted by any foreign prince or state, or any part of any such bill of exchange, promissory note, undertaking, or order engraved, cut, etched, scraped, or by any other means or device made thereon, or any other device or means for making or printing any such foreign bill of exchange, promissory note, undertaking, or order for the payment of money, or any part thereof, 43 G. 3. c. 139 s. 2.

Impressions from such tools.

57. Or any impression taken from the same, ibid.

Writings in general.—*Uttering*

Forged accountable receipt.

58. Any forged accountable receipt for any note, bill, or other security for payment of money, 7 G. 2. c. 22; 18 G. 3. c. 18; 45 G. 3. c. 89. s. 1.

Acquittance or receipt.

59. Or any forged acquittance or receipt, either for money or goods, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

60. Or any forged acquittance of any debt, accompt, action, suit, demand, or other things personal, 5 Eliz. c. 14. s. 3.

Bill of exchange.

61. Or any forged bill of exchange, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

62. Or any forged acceptance of any bill of exchange, 7 G. 2. c. 22; 18 G. 3. c. 18; 45 G. 3. c. 89. s. 1.

63. Or any forged indorsement or assignment of any bill of exchange, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

Bill obligatory.

64. Or any forged bill obligatory, 5 Eliz. c. 14. s. 3.

Bond.

65. Or any forged bond, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1.

Charter.

66. Or any forged charter, 5 Eliz. c. 14. s. 2, 3.

67. Or any forged court-roll, 5 Eliz. c. 14, s. 2. Court-roll.

68. Or any forged deed, 5 Eliz. c. 14. s. 3; 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1. Deed.

69. Or any forged discharge of any debt, accompt, action, suit, demand, or other things personal, 5 Eliz. c. 14. s. 3. Discharge.

70. Or any forged bill of exchange, or promissory note, undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking, or order for the payment of money of any foreign prince, state, or country whatsoever, or of any minister or officer entrusted by or employed in the service of any foreign prince, state, or country, or of any person or company of persons resident in any foreign state or country, or of any body corporate and politic, or body in the nature of a body corporate and politic, created or constituted by any foreign prince or state; whether such bill of exchange, promissory note, or order, be in the English language, or in any foreign language or languages, or partly in one and partly in the other, 43 G. 3. c. 139. s. 1. Foreign securities.

71. Or any forged obligation, 5 Eliz. c. 14. s. 3. Obligation.

72. Or any forged promissory note for payment of money, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1. Promissory note.

73. Or any forged indorsement or assignment of any promissory note for payment of money, ibid.

74. Or any forged release of any debt, accompt, action, suit, demand, or other things personal, 5 Eliz. c. 14. s. 3. Release.

75. Or any forged testament, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 19. s. 1. Testament.

76. Or any forged warrant or order for payment of money or delivery of goods, 7 G. 2. c. 22; 18 G. 3. c. 18; 45 G. 3. c. 89, s. 1. Warrant or order.

77. Or the forged will of any person in writing, 5 Eliz. c. 14. s. 2. Will.

78. Or any forged writing obligatory, 2 G. 2. c. 25. s. 1; 31 G. 2. c. 22. s. 78; 45 G. 3. c. 89. s. 1. Writing obligatory.

79. Or any forged writing sealed, 5 Eliz. c. 14. s. 2. Writing sealed.

80. Or any forged writing, 5 Eliz. c. 14, s. 3. Or any writing.

Writings in general.—*Personating*

81. Another, by acknowledging, in his name, any bail, 21 Jac. 1. c. 26. s. 2; 4 W. & M. c. 4. s. 4; 27 G. 3. c. 43. s. 4. Bail.

82. Or deed inrolled, 21 Jac. 1. c. 26. s. 2. Deed inrolled.

83. Or fine, ibid. Fine.

84. Or judgment, ibid. Judgment.

85. Or recognizance, ibid. Recognizance.

86. Or recovery, ibid. Recovery.

87. Or statute, ibid. Statute.

Admiralty.—*Forging*

88. The name or hand of the registrar for the time being of the high court of admiralty, or high court of appeals for prizes, or his deputy, or any of the cashiers of the governor and company of the bank of England, to any certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing whatever, for or in order to the receiving or obtaining any of the money or effects of any of the suitors of the said courts, or either of them, 53 G. 3. c. 151. s. 12. The registrar's signature.

89. Or any certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, made by such registrar or his deputy, or any of the cashiers of the said governor and company, ibid. Or instrument.

ADMIRALTY.—*Uttering*

The registrar's forged signature.

90. Any certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing whatever, for or in order to the receiving or obtaining any of the monies or effects of any of the suitors of the high court of admiralty, or high court of appeals for prizes, or either of them, with the name or hand of the registrar of the high court of admiralty, or high court of appeals for prizes, or his deputy, or any of the cashiers of the governor and company of the bank of England forged thereto, 53 G. 3. c. 151. s. 12.

Or instrument.

91. Or any forged certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, made by such registrar or his deputy, or any of the cashiers of the said governor and company, ibid.

ALIEN—*Forging*

Certificates.

92. Certain certificates relative to aliens, 33 G. 3. c. 4. s. 13; 42 G. 3. c. 92. s. 13; 43 G. 3. c. 155. s. 17; 54 G. 3. c. 155. s. 15; 55 G. 3. c. 54. s. 17; 56 G. 3. c. 86. s. 14.

Licences.

93. Or licences to reside, 38 G. 3. c. 50. s. 19; 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

94. Or licenses to return to this country, 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

95. Or licences to keep arms and ammunition, 33 G. 3. c. 4. s. 25; 43 G. 3. c. 155. s. 20; 55 G. 3. c. 54. s. 20.

Passports.

96. Or passports, 33 G. 3. c. 4. s. 13; 38 G. 3. c. 50. s. 19; 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

Allowances.

97. Or allowances of time to obtain licences, 38 G. 3. c. 50. s. 19; 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

98. Or allowances of time to obtain passports, 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

99. Or allowances of passports, 33 G. 3. c. 4. s. 13; 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

ALIEN—*Uttering*

Forged certificates.

100. Certain forged certificates relative to aliens, 33 G. 3. c. 4. s. 13; 42 G. 3. c. 92. s. 13; 43 G. 3. c. 155. s. 17; 54 G. 3. c. 155. s. 15; 55 G. 3. c. 54. s. 17; 56 G. 3. c. 86. s. 14.

Or licences.

101. Or forged licences to reside, 38 G. 3. c. 50. s. 19; 43 G. 3. c. 155. s. 17 55 G. 3. c. 54. s. 17.

102. Or forged licences to return to this country, 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

103. Or forged licences to keep arms and ammunition, 33 G. 3. c. 4. s 25; 43 G. 3. c. 155. s. 20; 55 G. 3. c. 54. s. 20.

Or passports.

104. Or forged passports, 33 G. 3. c. 4. s. 13; 38 G. 3. c. 50. s. 19; 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

Or allowances.

105. Or forged allowances of time to obtain licences, 38 G. 3. c. 50. s. 19; 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

106. Or forged allowances of time to obtain passports, 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

107. Or forged allowances of passports, 33 G. 3. c. 4. s. 13; 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

ALIEN—*Personating*

To obtain certificates.

108. Other men in relation to certain alien certificates, 33 G. 3. c. 4. s. 13; 42 G. 3. c. 92. s. 13; 43 G. 3. c. 155. s. 17; 54 G. 3. c. 155. s. 15; 55 G. 3. c. 54. s. 17; 56 G. 3. c. 86. s. 14.

109. Or licences, 38 G. 3. c. 50. s. 19; 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17. — Or licences.

110. Or passports, ibid. — Or passports.

111. Or allowances of time to obtain licences, ibid. — Or allowances.

112. Or allowances of time to obtain passports, 43 G. 3. c. 155. s. 17; 55 G. 3. c. 54. s. 17.

113. Or allowances of passports, 38 G. 3. c. 50. s. 19.

ARMY—*Forging*

114. Assignments relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Assignments.

115. Or any assignments, 54 G. 3. c. 86. s. 43.

116. Or authorities relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Authorities.

117. Or any power or authority, 54 G. 3. c. 86. s. 43.

118. Or bills relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Bills.

119. Or any bill, 54 G. 3. c. 86. s. 43.

120. Or certain certificates of servitude, 43 Eliz. c. 3. s. 13. — Certificates

121. Or relating to certain prize-money, 49 G. 3. c. 123. s. 28.

122. Or any certificates, 54 G. 3. c. 86. s. 43.

123. Or letters of attorney relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Letters of attorney.

124. Or any letter of attorney, 54 G. 3. c. 86. s. 43.

125. Or orders relating to certain prize-money, 49 G. 3. c. 123. s. 28; 54 G. 3. c. 86. s. 28. — Orders.

126. Or any orders, 54 G. 3. c. 86. s. 43.

127. Or tickets relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Tickets.

128. Or any tickets, 54 G. 3. c. 86. s. 43.

129. Or wills relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Wills.

130. Or any will, 54 G. 3. c. 86. s. 43.

131. Or the signature of half-pay officer, 47 G. 3. sess. 2. c. 25. s. 8. — In relation to half-pay.

132. Or signatures to certificates relating to half-pay, 46 G. 3. c. 69. s. 9; 47 G. 3. sess. 2. c. 25. s. 8.

133. Or to receipts relating to half-pay, ibid.

134. Or to vouchers relating to half-pay, ibid.

135. Or to certificates relating to pensions, ibid. — Pensions.

136. Or to receipts relating to pensions, ibid.

137. Or to vouchers relating to pensions, ibid.

138. Or prize lists, 54 G. 3. c. 86. s. 8. — Prize lists.

139. Or the name of the paymaster-general of the forces, 22 G. 3. c. 81. s. 9; 23 G. 3. c. 50. s. 10. — Paymaster-general.

140. Or his draft, ibid.

141. Or certain documents relative to recruiting the army, 37 G. 3. c. 4. s. 45. — Recruiting documents.

142. Or soldiers' passes, 39 Eliz. c. 17. s. 3. — Passes.

ARMY.—*Erasing*

143. Prize lists, 54 G. 3. c. 86. s. 8. — Prize lists.

144. Or certain documents relative to recruiting the army, 37 G. 3. c. 4. s. 45. — Recruiting documents.

ARMY.—*Having in possession*

145. Forged soldiers' passes, 39 Eliz. c. 17. s. 3. — Forged passes.

ARMY.—*Uttering*

146. Forged assignments relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Forged assignments.

147. Or any forged assignment, 54 G. 3. c. 86. s. 43.

148. Or forged authorities relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Authorities.

149. Or any forged power or authority, 54 G. 3. c. 86. s. 43.

150. Or forged bills relating to certain prize-money, 49 G. 3. c. 123. s. 28. — Bills.

151. Or any forged bills, 54 G. 3. c. 86. s. 43.

Certificates.

152. Or forged certificates relating to certain prize-money, 49 G. 3. c. 123. s. 28.

153. Or any forged certificates, 54 G. 3. c. 86. s. 43.

Letters of attorney.

154. Or forged letters of attorney relating to certain prize-money, 49 G. 3. c. 123. s. 28.

155. Or any forged letter of attorney, 54 G. 3. c. 86. s. 43.

Orders.

156. Or forged orders relating to certain prize-money, 49 G. 3. c. 123. s. 28.

157. Or any forged order, 54 G. 3. c. 86. s. 43.

Tickets.

158. Or forged tickets relating to certain prize-money, 49 G. 3. c. 123. s. 28.

159. Or any forged tickets, 54 G. 3. c. 86. s. 43.

Wills.

160. Or forged wills relating to certain prize-money, 49 G. 3. c. 123. s. 28.

161. Or any forged wills, 54 G. 3. c. 86. s. 43.

In relation to half-pay.

162. Or the forged signature of half-pay officer, 47 G. 3. sess. 2. c. 25. s. 8.

163. Or forged signatures to certificates relating to half-pay, 46 G. 3. c. 69. s. 9.; 47 G. 3. sess. 2. c. 25. s. 8.

164. Or to receipts relating t half-pay, ibid.

165. Or to vouchers relating to half-pay, ibid.

Pensions.

166. Or to certificates relating to pensions, ibid.

167. Or to receipts relating to pensions, ibid.

168. Or to vouchers relating to pensions, ibid.

Paymaster-general.

169. Or the forged name of the paymaster-general of the forces, 22 G. 3. c. 81. s. 9; 23 G. 3. c. 50. s. 10.

170. Or his forged draft, ibid.

Recruiting documents.

171. Or certain forged documents relative to recruiting the army, 37 G. 3. c. 4. s. 45.

Army.—*Receiving*

172. Not being within certain degrees of relationship, or licensed, 49 G. 3. c. 123. s. 36.

173. Or after revocation of license, ibid.

Army.—*Offering to receive*

174. After revocation of license, 49 G. 3. c. 123. s. 36.

Army.—*Personating*

The party.

175. The party himself, 54 G. 3. c. 86. s. 43.

Or his wife.

176. Or his wife, ibid.

Executor.

177. Or his personal representative, ibid.

Relation.

178. Or his relation, ibid.

Creditor.

179. Or his creditor, ibid.

Half-pay-officer.

180. Or a half-pay officer, 47 G. 3. sess. 2. c. 25. s. 7.

Pensioner.

181. Or pensioner, 46 G. 3. c. 69. s. 8.; 47 G. 3. sess. 2. c. 25. s. 7.

In relation to prize-money.

182. Or the party himself in relation to certain prize-money, 49 G. 3. c. 123. s. 28.

183. Or his wife, ibid.

184. Or his personal representative, ibid.

185. Or his relation, ibid.

186. Or his creditor, ibid.

187. Or one within a certain degree of relationship, ibid. s. 36.

Army.—*Taking a false oath*

To obtain probate or administration.

188. To obtain probate or administration, 54 G. 3. c. 86. s. 43.

189. Or to obtain probate or administration in relation to certain prize-money, 49 G. 3. c. 123. s. 28.

BANK OF ENGLAND.—*Forging*

190. Tools for manufacturing paper of this particular description, 13 G. 3. c. 79. s. 1. — Tools for manufacturing their paper or securities.

191. Or that, 41 G. 3. U. K. c. 39. s. 1; 45 G. 3. c. 89. s. 3.

192. Engraving upon plates, notes or bills of a particular description, 45 G. 3. c. 89. s. 7; 52 G. 3. c. 138. s. 5; 1 G. 4. c. 92. s. 1, 2, 3.

193. Manufacturing paper of this particular description, 13 G. 3. c. 79. s. 1. — Their paper.

194. Or that, 41 G. 3. U. K. c. 39. s. 1; 45 G. 3. c. 89. s. 3.

195. Forging the bank seal, 8 & 9 W. 3. c. 20. s. 36. — Seal.

196. Or bonds or obligations under that seal, 15 G. 2. c. 13. s. 11; 45 G. 3. c. 89. s. 2. — Bonds.

197. Or a sealed bank bill, 8 & 9 W. 3. c. 20. s. 36. — Bills or notes.

198. Or any bank note, ibid.

199. Or any bill or note, 15 G. 2. c. 13. s. 11; 45 G. 3. c. 89. s. 2.

200. Or bank dividend warrants, ibid. Vide in division STOCK. — Dividend warrant.

201. Or the witnesses' names to such warrants, 37 G. 3. c. 122. s. 1. comme semble.

202. Or indorsements on bonds or obligations under the bank seal, 15 G. 2. c. 13. s. 11; 45 G. 3. c. 89. s. 2. — Indorsements, on bonds.

203. Or on any bank bill or note, ibid. — Or bills or notes.

204. Or dividend warrant, ibid. — Or dividend warrants.

205. Altering indorsements on bonds or obligations under bank seal, ibid. — Altering indorsements on bonds.

206. Or on any bank bill or note, 8 & 9 W. 3. c. 20. s. 36; 15 G. 2. c. 13. s. 11; 45 G. 3. c. 89. s. 2. — Or bills or notes.

207. Or on any bank dividend warrant, 15 G. 2. c. 13. s. 11; 45 G. 3. c. 89. s. 2. — Or dividend warrants.

BANK OF ENGLAND.—*Erasing*

208. Indorsements on bank bills, 8 & 9 W. 3. c. 20. s. 36; 11 G. 1. c. 9. s. 6. — Indorsements on bills.

BANK OF ENGLAND.—*Having in Possession*

209. Tools for manufacturing paper of this particular description, 13 G. 3. c. 79. s. 1. — Tools for manufacturing their paper or securities.

210. Or that, 41 G. 3. U. K. c. 39, s. 1; 45 G. 3. c. 89. s. 3.

211. Or plates with notes or bills of a particular description engraved thereon, 45 G. 3. c. 89. s. 7; 52 G. 3. c. 138. s. 5; 1 G. 4. c. 92. s. 1, 2.

212. Or paper of a particular description, 41 G. 3. U. K. c. 39. s. 1; 45 G. 3. c. 89. s. 3. — Their paper.

213. Or forged bank notes, bank bills of exchange, bank post bills, blank bank notes, blank bank bills of exchange, or blank bank post bills, 41 G. 3. U. K. c. 39. s. 5; 45 G. 3. c. 89. s. 6. — Forged bills or notes.

214. Or bills of a particular description, 52 G. 3. c. 138. s. 5.

215. Or notes of this particular description, ibid.

216. Or that, 1 G. 4. c. 92. s. 2.

BANK OF ENGLAND.—*Uttering*

217. Tools for manufacturing paper of this particular description, 13 G. 3. c. 79. s. 1. — Tools for manufacturing their paper or securities.

218. Or that, 41 G. 3. U. K. c. 39. s. 1; 45 G. 3. c. 89. s. 3.

219. Or plates with notes or bills of a particular description engraved thereon, 45 G. 3. c. 89. s. 7; 52 G. 3. c. 138. s. 5; 1 G. 4. c. 92. s. 1, 2.

220. Or paper of a particular description, 41 G. 3. U. K. c. 39. s. 1; 45 G. 3. c. 89. s. 3. — Their paper.

221. Or forged bonds or obligations under the bank seal, 15 G. 2. c. 13. s. 11; 45 G. 3. c. 89. s. 2. — Forged bonds.

222. Or forged bills or notes, ibid. — Or bills or notes.

223. Or forged bills of a particular description, 45 G. 3. c. 89. s. 7.

224. Or forged notes of this particular description, ibid.

225. Or that, 1 G. 4. c. 92. s. 1.

Or dividend warrants.

226. Or forged bank dividend warrants, 15 G. 2. c. 13. s. 11; 45 G. 3. c. 89. s. 2.

Or forged indorsements on bonds.

227. Or bonds or obligations under the bank seal with forged indorsements thereon, 15 G. 2. c. 13. s. 11; 45 G. 3. c. 89. s. 2.

Or bills or notes.

228. Or bills or notes with forged indorsements thereon, ibid.

Or dividend warrants.

229. Or dividend warrants with forged indorsements thereon, ibid.

Or altered indorsements on bonds.

230. Or bonds or obligations under the bank seal with altered indorsements thereon, ibid.

Or bills or notes.

231. Or bills or notes with altered indorsements thereon, ibid.

Or dividend warrants.

232. Or dividend warrants with altered indorsements thereon, ibid.

Or bills or notes with erased indorsements.

233. Or bills or notes for money with erased indorsements thereon, 11 G. 1. c. 9. s. 6.

234. Or any bank notes with erased indorsements thereon, ibid.

BANK OF ENGLAND.—*Receiving*

Forged bills or notes.

235. Or purchasing forged bank notes, bank bills of exchange, bank post bills, blank bank notes, blank bank bills of exchange, or blank bank post bills, 41 G. 3. U.K. c. 39. s. 5; 45 G. 3. c. 89. s. 6.

BANKER.—*Forging*

Tools for manufacturing their paper or securities.

236. Tools for manufacturing banker's paper, 41 G. 3. U.K. c. 57. s. 1.

237. Engraving upon plates banker's bills of exchange, promissory notes, or other notes for the payment of money, ibid. s. 2.

238. Or the subscriptions thereto, ibid. s. 3.

Their paper.

239. Manufacturing banker's paper, ibid. s. 1.

BANKER.—*Having in Possession*

Tools for manufacturing their securities.

240. Plates with banker's bills of exchange, promissory notes, or other notes for payment of money, engraved thereon, ibid. s. 2.

241. Or plates with the subscriptions to banker's bills of exchange, promissory notes, or other notes for payment of money, engraved thereon, ibid. s. 3.

BANKER.—*Uttering*

Tools for manufacturing their paper or securities.

242. Tools for manufacturing banker's paper, 41 G. 3. U. K. c. 57. s. 1.

243. Or plates with banker's bills of exchange, promissory-notes, or other notes for payment of money, engraved thereon, ibid. s. 2.

Their paper.

244. Or banker's paper, ibid. s. 1.

Or securities.

245. Or banker's bills of exchange, promissory-notes, or other notes for payment of money, ibid. s. 2.

BUTTER.—*Forging*

Marks.

246. Certain names or marks on vessels of butter, 36 G. 3. c. 86. s. 9.

CHANCERY.—*Forging*

Signatures.

247. The name or hand of the accountant-general, register, clerk of the report office, or a bank cashier, to any instrument to obtain suitors' effects, 12 G. 1. c. 32. s. 9.

Instruments.

248. Or any instrument of the accountant-general, register, clerk of the report office, or a bank cashier, ibid.

CHANCERY.—*Uttering*

Forged signatures.

249. Any instrument to obtain suitors' effects, with the name or hand of the accountant-general, register, clerk of the report office, or a bank cashier, forged thereto, ibid.

250. Or any forged instrument of the accountant-general, register, clerk of the report office, or a bank cashier, 12 G. 1. c. 32. s. 9. — Instruments.

CHARITY BRIEF.—*Forging*

251. Stamps on charity briefs, 4 Ann. c. 14. s. 3. — Stamps.

COAL METER.—*Forging*

252. Coal meters' tickets in London, 7 G. 3. c. 23. s. 11. — Tickets.

253. Or in Westminster, 26 G. 3. c. 108. s. 10.

COAL METER.—*Uttering*

254. Forged coal meters' tickets in London, 7 G. 3. c. 23. s. 11. — Forged tickets.

255. Or in Westminster, 26 G. 3. c. 108. s. 10.

DUTCH BAY COMPANY.—*Forging*

256. The seal of the Dutch Colchester Bay company, 12 Car. 2. c. 22. s. 4. — Seal.

DUTCH BAY COMPANY.—*Uttering*

257. Forged seals of the said company, 12 Car. 2. c. 22. s. 4. — Forged seal.

DUTCH BAY COMPANY.—*Abusing*

258. Their seal, 12 Car. 2. c. 22. s. 4. — Seal.

EAST INDIA COMPANY.—*Forging*

259. Bonds or obligations under the East India Company's seal, 12 G. 1. c. 32. s. 9. — Bonds.

260. Or indorsements thereon, ibid. — Indorsements.

EAST INDIA COMPANY.—*Uttering*

261. Forged bonds or obligations under that seal, 12 G. 1. c. 32. s. 2. — Forged bonds.

262. Or bonds or obligations under that seal with forged indorsements thereon, ibid. — Indorsements.

ELECTION.—*Forging*

263. Duplicates of assessments to land-tax of voters at county elections, 20 G. 3. c. 17. s. 4. — Documents.

264. Or certain registers, books, enrolments, copies thereof, or attestations touching such voters, 28 G. 3. c. 36. s. 36.

265. Or names to such enrolments, copies, or attestations, ibid. — Signatures.

ELECTION.—*Erasing*

266. Certain enrolments, copies thereof, or attestations touching such voters, 28 G. 3. c. 36. s. 39. — Documents. Signatures.

EXCHEQUER.—*Forging*

267. The name of the accountant-general, lord chief baron, or clerk of reports of the court of exchequer, or a bank cashier, or officer of any other corporation to instruments to obtain suitors' effects, 1 G. 4. c. 35. s. 27.

268. Or instruments of the accountant-general, or clerk of reports of the court of exchequer, or a bank cashier, ibid. — Instruments.

EXCHEQUER.—*Uttering*

269. Instruments with the forged name of the accountant-general, lord chief baron, baron or clerk of reports of the court of exchequer, or a bank cashier, or officer of any other corporation, to obtain suitors' effects, 1 G. 4. c. 35. s. 27. — Forged signatures.

270. Or forged instruments of the accountant-general, or clerk of reports of the court of exchequer, or a bank cashier, ibid. — Forged instruments.

EXCHEQUER BILLS *in general.—Forging*

Bills. 271. Exchequer bills, 48 G. 3. c. 1. s. 9.

Indorsements. 272. Or indorsements or writings thereon or therein, ibid.

EXCHEQUER BILLS *in general.—Uttering*

Forged bills. 273. Forged exchequer bills, 48 G. 3. c. 1. s. 9.

Indorsements. 274. Or exchequer bills with forged indorsements or writings thereon, ibid.

EXCHEQUER BILLS *in particular cases.—Forging*

Bills. 275. Exchequer bills, 3 G. 1. c. 8. s. 40; 6 G. 1. c. 4. s. 91; 8 G. 1. c. 20. s. 20; 4 G. 3. c. 1. s. 43; 42 G. 3. c. 1. s. 42; 57 G. 3. c. 34. s. 2; 59 G. 3. c. 19. s. 2; 59 G. 3. c. 20. s. 2.

Indorsements. 276. Or indorsements or writings thereon, ibid. or therein, ibid. with the exception of 3 G. 1. c. 8. s. 40.

EXCHEQUER BILLS *in particular cases.—Uttering*

Forged bills. 277. Forged exchequer bills, ibid. without the exception.

Indorsements. 278. Or exchequer bills with forged indorsements or writings thereon, ibid. or therein, ibid. with the exception.

EXCISE AND CUSTOMS *in general.—Forging*

Certificate. 279. Customs certificates relative to the coasting trade, 32 G. 3. c. 50. s. 6.

280. Or for the return of money from duties of customs, 52 G. 3. c. 143. s. 10.

281. Or any customs certificates, 13 & 14 Car. 2. c. 11. s. 8.

282. Or excise certificates for the return of money from duties of excise, 52 G. 3. c. 143. s. 10.

283. Or certificates relating to any excise duties, 38 G. 3. c. 54. s. 6; 41 G. 3. U. K. c. 91. s. 5.

Cocquet. 284. Or customs cocquets relative to the coasting trade, 32 G. 3. c. 50. s. 6.

285. Or any customs cocquets, 13 & 14 Car. 2. c. 11. s. 8.

Debenture. 286. Or customs debentures, 52 G. 3. c. 143. s. 10.

287. Or excise debentures, 38 G. 3. c. 54. s. 9.

Document. 288. Or customs documents relative to the coasting trade, 32 G. 3. c. 50. s. 6.

Instrument. 289. Or customs instruments relative to the same subject, ibid.

Let pass. 290. Or customs let pass, relative to the coasting trade, ibid.

291. Or any customs let pass, 13 & 14 Car. 2. c. 11. s. 8.

Licence. 292. Or certain licences of the commissioners of customs for the prevention of smuggling, 47 G. 3. sess. 2. c. 66. s. 26.

Permit. 293. Or customs permits relative to the coasting trade, 32 G. 3. c. 50. s. 6.

294. Or excise permits for the removal of any exciseable commodity, 22 G. 3. c. 68. s. 26; 23 G. 3. c. 70. s. 10.

Return. 295. Or customs returns, 13 & 14 Car. 2. c. 11. s. 8.

Sufferance. 296. Or customs sufferances relative to the coasting trade, 32 G. 3. c. 50. s. 6.

Transire 297. Or customs transire relating to the same subject, ibid.

298. Or any customs transire, 13 & 14 Car. 2. c. 11. s. 8.

Warrant. 299. Or customs warrants relative to the coasting trade, 32 G. 3. c. 50. s. 6.

300. Or any customs warrant, 13 & 14 Car. 2. c. 11. s. 8.

Signature or draft of the receiver-general. 301. Or the name of the receiver-general of the customs, 46 G. 3. c. 150. s. 10.

302. Or his draft, ibid.

303. Or the name of the receiver general of the excise, 46 G. 3. c. 75. s. 8.

304. Or his draft, ibid.

Tools for making excise paper. 305. Or moulds for manufacturing excise paper, 23 G. 3. c. 70. s. 9; 52 G. 3. c. 143. s. 9.

Or the paper itself. 306. Or the paper itself, ibid.

Stamps or marks. 307. Or stamps for excise permit paper, 23 G. 3. c. 70. s. 9; 52 G. 3. c. 143. s. 9.

308. Or customs stamps for sealed goods on their being delivered out, 27 G. 3. c. 32. s. 14.

309. Or customs marks on goods stowed out of the main hold of ships arriving in England, 26 G. 3. c. 40. s. 10.

310. Or indorsements on customs certificates relative to the coasting trade, 32 Geo. 3. c. 50. s. 6. — Indorsements.

311. Or on customs cocquets relating to the same subject, ibid.

312. Or on customs documents relating to the same subject, ibid.

313. Or on customs instruments relating to the same subject, ibid.

314. Or on customs let pass, relating to the same subject, ibid.

315. Or on customs permits relating to the same subject, ibid.

316. Or on customs sufferances relating to the same subject, ibid.

317. Or on customs transires relating to the same subject, ibid.

318. Or on customs warrants relating to the same subject, ibid.

Excise and Customs *in general.—Erasing*

319. Customs certificates relative to the coasting trade, ibid. — Certificate.

320. Or any customs certificates, 13 & 14 Car. 2. c. 11. s. 8.

321. Or excise certificates relating to any excise duties, 38 G. 3. c. 54. s. 6; 41 G. 3. U. K. c. 91. s. 5.

322. Or customs cocquets relative to the coasting trade, 32 G. 3. c. 50. s. 6. — Cocquet.

323. Or any customs cocquet, 13 & 14 Car. 2. c. 11. s. 8.

324. Or customs documents relative to the coasting trade, 32 G. 3. c. 50. s. 6. — Document.

325. Or customs instruments relating to the same subject, ibid. — Instrument.

326. Or customs let pass relating to the same subject, 32 G. 3. c. 50. s. 6. — Let pass.

327. Or any customs let pass, 13 & 14 Car. 2. c. 11. s. 8.

328. Or certain licences of the commissioners of customs for the prevention of smuggling, 47 G. 3. sess. 2. c. 66. s. 26. — Licence.

329. Or customs permits relative to the coasting trade, 32 G. 3. c. 50. s. 6. — Permit.

330. Or excise permits for the removal of any exciseable commodity, 22 G. 3. c. 68. s. 26; 23 G. 3. c. 70. s. 10.

331. Or customs returns, 13 & 14 Car. 2. c. 11. s. 8. — Return.

332. Or customs sufferances relative to the coasting trade, 32 G. 3. c. 50. s. 6. — Sufferance.

333. Or customs transires relative to the same subject, ibid. — Transire.

334. Or any customs transires, 13 & 14 Car. 2. c. 11. s. 8.

335. Or customs warrants relative to the coasting trade, 32 G. 3. c. 50. s. 6. — Warrant.

336. Or any customs warrants, 13 & 14 Car. 2. c. 11. s. 8.

337. Or indorsements on customs certificates relative to the coasting trade, 32 G. 3. c. 50. s. 6. — Indorsements.

338. Or on customs cocquets relating to the same subject, ibid.

339. Or on customs documents relating to the same subject, ibid.

340. Or on customs instruments relating to the same subject, ibid.

341. Or on customs let pass relating to the same subject, ibid.

342. Or on customs permits relating to the same subject, ibid.

343. Or on customs sufferances relating to the same subject, ibid.

344. Or on customs transire relating to the same subject, ibid.

345. Or on customs warrants relating to the same subject, ibid.

Excise and Customs *in general.—Having in possession*

346. Moulds for manufacturing excise office paper, 23 G. 3. c. 70. s. 9; 52 G. 3. c. 143. s. 9. — Tools for making excise paper.

347. Or stamps provided by the commissioners of customs for sealed goods on their being delivered out, 27 G. 3. c. 32. s. 14. — Stamps.

348. Or goods with forged stamps for sealed goods on delivery out impressed thereon, ibid.

EXCISE AND CUSTOMS *in general.—Uttering*

Forged certificates.

349. Forged customs certificates for the return of money from duties of customs, 52 G. 3. c. 143. s. 10.

350. Or forged excise certificates of a similar nature, ibid.

351. Or forged or erased certificates relating to any duties of excise, 38 G. 3. c. 54. s. 6; 41 G. 3. U.K. c. 91. s. 5.

Debenture.

352. Or forged customs debentures, 52 G. 3. c. 143. s. 10.

353. Or forged excise debentures, 38 G. 3. c. 54. s. 9.

Licence.

354. Or certain forged or erased licences of the commissioners of customs for the prevention of smuggling, 47 G. 3. sess. 2. c. 66. s. 26.

Permit.

355. Or forged or erased excise permits for the removal of any exciseable commodity, 22 G. 3. c. 68. s. 26; 23 G. 3. c. 70. s. 10.

Signature or draft of the receiver-general.

356. Or the forged name of the receiver-general of the customs, 46 G. 3. c. 150. s. 10.

357. Or his forged draft, ibid.

358. Or the forged name of the receiver-general of the excise, 46 G. 3. c. 75. s. 8.

359. Or his forged draft, ibid.

Alehouse.

360. Certificates relating to alehouse licences, 3 G. 4. c. 77. s. 2.

EXCISE AND CUSTOMS *in particular cases.—Forging*

Callico.

360². Excise frames for marking printed, stained, painted, or dyed callico, muslin, linen, stuff, fustian, velvet, velveret, dimity, or other figured stuff, 27 G. 3. c. 31. s. 12.

361. Or the impression of such frames thereon, 25 G. 3. c. 72. s. 23; 27 G. 3. c. 31. s. 12.

362. Or excise stamps or seals for marking printed, stained, painted, or dyed callico, muslin, linen, stuffs, fustian, velvet, velveret, dimity, or other figured stuff, 25 G. 3. c. 72. s. 17; 27 G. 3. c. 31. s. 13; *vide* 10 Ann. c. 19. s. 97; 13 G. 3. c. 56. s. 5.

363. Or the impression of such stamps or seals thereon, ibid.

Cambric.

364. Or customs stamps, marks, or seals for marking cambrics and lawns, 37 G. 3. c. 72. s. 5.

365. Or the impression of such stamps, marks, or seals thereon, ibid.

366. Or excise stamps, marks, or seals, for marking cambrics and lawns, 4 G. 3. c. 37. s. 26; 7 G. 3. c. 43. s. 18.

367. Or the impression of such stamps, marks, or seals thereon, ibid.

Candles.

368. Or excise certificates for allowances on candles, 32 G. 3. c. 7. s. 9.

Chocolate.

369. Or excise marks, stamps, or device, for chocolate, 10 G. 1. c. 10. s. 22; 11 G. 1. c. 30. s. 13.

Corn.

370. Or customs certificates on the exportation of corn and grain, 29 G. 3. c. 58. s. 17.

Cotton.

371. Or excise seals or stamps for marking printed, stained, painted, or dyed cotton stuffs, 14 G. 3. c. 72. s. 8; 24 G. 3. st. 2. c. 40. s. 25.

372. Or the impression of such seals or stamps, 14 G. 3. c. 72. s. 8; 24 G. 3. st. 2. c. 40. s. 25.

Fish.

373. Or customs marks or characters for marking casks of herrings, 48 G. 3. c. 110. s. 50.

374. Or customs documents relative to the herring fisheries, ibid.

375. Or excise marks on casks of pilchards, 41 G. 3. c. 21. s. 20.

376. Or customs certificates for bounties on whale fishery, 26 G. 3. c. 41. s. 16.

Glass.

377. Or excise marks on pots for making glass, 35 G. 3. c. 114. s. 2.

Hats.

378. Or customs certificates on the removal of foreign straw hats and certain other articles, 9 G. 3. c. 41. s. 5.

Hides.

379. Or customs marks or stamps for marking hides, skins, vellum and parchment, 9 Ann. c. 11. s. 44; 5 G. 1. c. 2. s. 9; 38 G. 3. c. 54. s. 10.

380. Or the impression of such marks or stamps thereon, ibid.

381. Or excise marks for marking hops, 39 & 40 G. 3. c. 81. s. 4; 48 G. 3. c. 134. s. 2. Hops.

382. Or excise stamps or seals for marking India silk handkerchiefs, 54 G. 3. c. 148. s. 5. India handkerchiefs.

383. Or the impression of such stamps or seals thereon, ibid.

384. Or customs marks or seals for marking foreign silk lace, 43 G. 3. c. 68. s. 35. Lace.

385. Or the impression of such marks or seals thereon, ibid.

386. Or customs marks or seals for marking foreign thread lace, 19 G. 3. c. 69. s. 28; 46 G. 3. c. 81. s. 11.

387. Or the impression of such marks or seals thereon, ibid.

388. Or excise permits for the removal of malt, 46 G. 3. c. 102. s. 40. Malt.

389. Or excise instruments relating to the allowance of duties on malt, 3 G. 4. c. 18. s. 5.—and on malt and beer, 58 G. 3. c. 43. s. 12.

390. Or customs documents relative to the trade of or with the Isle of Man, 20 G. 3. c. 42. s. 11; 38 G. 3. c. 63. s. 11; 45 G. 3. c. 99. s. 9. Man, Isle of.

391. Or excise stamps, marks, devices, or writing, for marking paper, pasteboard, and certain other articles, 21 G. 3. c. 24. s. 31; 34 G. 3. c. 20. s. 9; 46 G. 3. c. 112. s. 2; 49 G. 3. c. 81. s. 1; 58 G. 3. c. 41. s. 9; 1 G. 4. c. 58. s. 13. Paper.

392. Or the impression of such stamps, marks or devices thereon, ibid.

393. Or excise frames, numbers, or marks for marking, printed, painted or stained paper, 26 G. 3. c. 78. s. 13.

394. Or the impression of the same thereon, ibid.

395. Or excise stamps or seals for marking printed, painted, or stained paper, ibid.

396. Or the impression of the same thereon, ibid.

397. Or customs, stamps, marks, or seals, for marking foreign paper, 34 G. 3. c. 20. s. 48.

398. Or the impression of the same thereon, ibid.

399. Or customs frames, numbers, or marks, for marking foreign printed, painted, or stained paper, 32 G. 3. c. 54. s. 1.

400. Or the impression of the same thereon, ibid.

401. Or customs stamps or seals for marking foreign printed, painted, or stained paper, ibid.

402. Or the impression of the same thereon, ibid.

403. Or customs affidavits relative to the plantation trade, 12 G. 2. c. 30. s. 15; 4 G. 3. c. 15. s. 32; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15. Plantation trade.

404. Or customs certificates relative to the same subject, 7 & 8 W. 3. c. 22. s. 10; 12 G. 2. c. 30. s. 15; 21 G. 2. c. 30. s. 15; 23 G. 2. c. 29. s. 8; 4 G. 3. c. 15. s. 32; 14 G. 3. c. 11. s. 1; 23 G. 3. c. 79. s. 9; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15.

405. Or customs clearances relative to the same subject, 4 G. 3. c. 15. s. 32.

406. Or customs cockets relative to the same subject, 7 & 8 W. 3. c. 22. s. 10; 4 G. 3. c. 15. s. 32.

407. Or customs licences relative to the same subject, 12 G. 2. c. 30. s. 15; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15.

408. Or customs permits relative to the same subject, 7 & 8 W. 3. c. 22. s. 10.

409. Or customs returns relative to the same subject, ibid.

410. Or customs stamps on iron relative to the same subject, 23 G. 2. c. 29. ss. 8. 14.

411. Or customs sufferances relative to the same subject, 4 G. 3. c. 15. s. 32. Sail-cloth.

412. Or customs stamps for marking foreign sail-cloth, 9 G. 2. c. 37. s. 2; 19 G. 2. c. 27. s. 6.

413. Or the impression of such stamps thereon, ibid.

414. Or excise certificates or debentures relating to salt, 38 G. 3. c. 89. s. 131. Salt.

Silk.

415. Or customs certificates for premiums on the importation of silk, 9 G. 3. c. 38. s. 10.

416. Or customs marks or seals for marking silks, 5 W & M. c. 20. s. 45; 6 & 7 W. 3. c. 18. s. 30; 9 & 10 W. 3. c. 43. s. 5; 10 Ann. c. 19. s. 97; 26 G. 2. c. 21. s. 5.

417. Or impressions of such marks or seals thereon, 10 Ann. c. 19. s. 97; 26 G. 2. c. 21. s. 5; 13 G. 3. c. 56. s. 5.

418. Or excise stamps or seals for marking silk, 13 G. 3. c. 56. s. 5.

419. Or the impression of such stamps or seals thereon, ibid.

420. Or seals or marks of the lustring company for marking silks, 6 & 7 W. 3. c. 18. s. 30; 9 & 10 W. 3. c. 43. s. 5.

Spirits.

421. Or customs affidavits or certificates to entitle to drawbacks on the exportation of spirits, 33 G. 2. c. 9. s. 12. c. 28. s. 12.

422. Or excise certificates or specifications on permits relative to the spirit-trade with Ireland, 51 G. 3. c. 121. s. 7; 54 G. 3. c. 149. s. 19.

Starch and hair powder.

423. Or excise stamps or marks for marking starch, 26 G. 3. c. 51. ss. 6. 14; 36 G. 3. c. 6. s. 13; 42 G. 3. c. 14. s. 6; 52 G. 3. c. 127. s. 13.

424. Or the impression of such stamps or marks thereon, 26 G. 3. c. 51. s. 14; 36 G. 3. c. 6. s. 13; 42 G. 3. c. 14. s. 6; 52 G. 3. c. 127. s. 13.

425. Or excise stamps or seals for marking hair-powder, 36 G. 3. c. 6. s. 13.

426. Or the impression of such stamps or seals thereon, ibid.

Tea.

427. Or customs and excise debentures, certificates, or permits, relative to the exportation of tea to Ireland, 41 G. 3. U. K. c. 75. s. 7.

Timber.

428. Or customs affidavits or certificates for premiums on the importation of Scotch timber, 2 G. 2. c. 35. s. 13.

Tobacco and snuff.

429. Or customs marks on tobacco, 24 G. 2. c. 41. s. 19; 25 G. 3. c. 81. s. 50; 29 G. 3. c. 68. s. 48.

430. Or customs certificates for the removal of tobacco, 24 G. 2. c. 41. ss. 12. 22; 25 G. 3. c. 81. s. 39.

431. Or snuff, 24 G. 2. c. 41. ss. 12. 22.

432. Or excise permits for the removal of tobacco or snuff, 29 G. 3. c. 68. s. 125.

433. Or customs certificates for the shipping of tobacco or snuff, 24 G. 2. c. 41. s. 6.

434. Or customs certificates for discharging bonds given for exporting tobacco, 29 G. 3. c. 68. s. 137.

Wine.

435. Or customs certificates for the removal of wine, 23 G. 3. c. 76. s. 5.

436. Or excise permits relative to the removal of foreign wine, 26 G. 3. c. 59. s. 39.

437. Or excise certificates of recognizances relative to the same subject, 26 G. 3. c. 59. s. 40.

438. Or indorsements thereon, ibid.

439. Or customs certificates for discharging bonds on foreign wine warehoused, 35 G. 3. c. 118. s. 5.

440. Or excise instruments relative to French wines, 54 G. 3. c. 121. s. 7.

441. Or customs and excise entries, warrants, or permits, relative to Portugal wine, 41 G. 3. U. K. c. 51. s. 22.

Wool.

442. Or customs licences, certificates, acknowledgments, or instruments relative to the exportation of wool and woollens, 28 G. 3. c. 38. s. 24.

EXCISE AND CUSTOMS *in particular cases.—Erasing*

Candles.

443. Excise certificates for allowances on candles, 32 G. 3. c. 7. s. 9.

Corn.

444. Or customs certificates on the exportation of corn and grain, 29 G. 3. c. 58. s. 17.

445. Or customs marks or characters for marking casks of herrings, 48 G. 3. c. 110. s. 51. Fish.

446. Or customs documents relative to the herring fisheries, 48 G. 3. c. 110. s. 50.

447. Or excise marks on casks of pilchards, 41 G. 3. c. 21. s. 20.

448. Or customs certificates for bounties on whale fishery, 26 G. 3. c. 41. s. 16.

449. Or excise marks on pots for making glass, 35 G. 3. c. 114. s. 2. Glass.

450. Or customs certificate on the removal of foreign straw hats, and certain other articles, 9 G. 3. c. 41. s. 5. Hats.

451. Or excise marks on hops, 39 & 40 G. 3. c. 81. s. 4; 48 G. 3. c. 134. s. 2. Hops.

452. Or excise seals or stamps for marking linens and other articles, 25 G. 3. c. 72. s. 11. Linen.

453. Or excise permits for the removal of malt, 46 G. 3. c. 102. s. 40. Malt.

454. Or excise instruments relative to the allowance of duties on malt, 3 G. 4. c. 18. s. 5.—and on malt and beer, 56 G. 3. c. 43. s. 12.

455. Or customs documents relative to the trade of the Isle of Man, 20 G. 3. c. 42. s. 11. Man, Isle of.

456. Or excise stamps, devices, or labels for marking paper, pasteboard, and certain other articles, 34 G. 3. c. 20. s. 9; 1 G. 4. c. 58. s. 6. Paper.

457. Or customs stamps, marks, or seals for marking foreign paper, 34 G. 3. c. 20. s. 48.

458. Or customs affidavits relative to the plantation trade, 12 G. 2. c. 30. s. 15; 4 G. 3. c. 15. s. 32; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15. Plantation trade.

459. Or customs certificates relative to the same subject, 7 & 8 W. 3. c. 22. s. 10; 12 G. 2. c. 30. s. 15; 4 G. 3. c. 15. s. 32; 14 G. 3. c. 11. s. 1; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15.

460. Or customs clearances relative to the same subject, 4 G. 3. c. 15. s. 32.

461. Or customs cockets relative to the same subject, 7 & 8 W. 3. c. 22. s. 10; 4 G. 3. c. 15. s. 32.

462. Or customs licences relative to the same subject, 12 G. 2. c. 30. s. 15; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15.

463. Or customs permits relative to the same subject, 7 & 8 W. 3. c. 22. s. 10.

464. Or customs returns relative to the same subject, ibid.

465. Or customs stamps on iron relative to the same subject, 23 G. 2. c. 29. s. 14.

466. Or customs sufferances relative to the same subject, 4 G. 3. c. 15. s. 32.

467. Or customs affidavits or certificates to entitle to drawbacks on the exportation of spirits, 33 G. 2. c. 9. s. 12; c. 28. s. 12. Spirits.

468. Or excise certificates or specifications on permits relative to the spirit-trade with Ireland, 51 G. 3. c. 121. s. 7; 54 G. 3. c. 149. s. 19.

469. Or customs and excise debentures, certificates, or permits relative to the exportation of tea to Ireland, 41 G. 3. U. K. c. 75. s. 7. Tea.

470. Or customs marks on tobacco, 24 G. 2. c. 41. s. 19; 25 G. 3. c. 81. s. 50; 29 G. 3. c. 68. s. 48. Tobacco and snuff.

471. Or customs certificates for the removal of tobacco, 24 G. 2. c. 41. ss. 12. 22; 25 G. 3. c. 81. s. 39.

472. Or snuff, 24 G. 2. c. 41. ss. 12. 22.

473. Or excise permits for the removal of tobacco or snuff, 29 G. 3. c. 68. s. 125.

474. Or customs certificates for the shipping of tobacco or snuff, 24 G. 2. c. 41. s. 16.

475. Or customs certificates for the removal of wine, 23 G. 3. c. 76. s. 5. Wine.

476. Or excise permits for the removal of foreign wine, 26 G. 3. c. 59. s. 39.

477. Or excise certificates of recognizances relative to the removal of foreign wine, 26 G. 3. c. 59. s. 40.

478. Or indorsements thereon, ibid.

479. Or excise instruments relative to French wines, 54 G. 3. c. 121. s. 7.

Wool. 480. Or customs licences, certificates, or acknowledgments relative to the exportation of wool and woollen, 28 G. 3. c. 38. s. 24.

EXCISE AND CUSTOMS *in particular cases.—Having in Possession*

Calico. 481. Printed, stained, painted, or dyed calico, muslin, linen, stuff, fustian, velvet, velveret, dimity, or other figured stuff, with forged impressions of excise frames for marking the same thereon, 27 G. 3. c. 31. s. 12.

482. Or cambrics or lawns with forged customs stamps, marks, or seals for marking cambrics and lawns thereon, 7 G. 3. c. 43. s. 14.

Fish. 483. Or instruments for forging customs marks or characters for marking casks of herrings, 48 G. 3. c. 110. s. 50.

Paper. 484. Or paper, pasteboard, or certain other articles with forged excise stamps, marks, devices, or writing for marking the same thereon, 34 G. 3. c. 20. s. 9; 46 G. 3. c. 112. s. 2; 58 G. 3. c. 41. s. 9; 1 G. 4. c. 58. s. 13.

485. Or with forged impressions of such stamps, marks, or devices thereon, ibid.

486. Or forged customs stamps, marks, or seals for marking foreign paper, 34 G. 3. c. 20. s. 48.

487. Or paper with forged impressions of customs stamps, marks, or seals for marking foreign paper thereon, ibid.

Silk. 488. Or silks with forged customs seals or marks for marking the same thereon, 9 & 10 W. 3. c. 43. s. 5.

489. Or customs seals or marks placed thereon without authority, ibid.

490. Or silks with forged seals or marks of the lustring company for marking the same thereon, ibid.

491. Or with seals or marks of the lustring company placed thereon without authority, ibid.

EXCISE AND CUSTOMS *in particular cases.—Importing*

Cambric. 492. Foreign cambric or lawn with forged excise stamps, marks, or seals for marking cambric and lawn thereon, 4 G. 3. c. 37. s. 26; 7 G. 3. c. 43. s. 18.

493. Or with forged impressions of such stamps, marks, or seals thereon, ibid.

Alehouse. 494. Certificates relating to alehouse licences, 3 G. 4. c. 77. s. 2.

EXCISE AND CUSTOMS *in particular cases.—Uttering*

Calico. 494[a]. Printed, stained, painted, or dyed calico, muslin, linen, stuff, fustian, velvet, velveret, dimity, or other figured stuff, with forged impressions of excise stamps or seals for marking the same thereon, 25 G. 3. c. 72. s. 17; 27 G. 3. c. 31. s. 14; vide 10 Ann. c. 19. s. 97.

Cambric. 495. Or cambrics or lawns with forged customs stamps, marks, or seals thereon, 37 G. 3. c. 72. s. 5.

496. Or cambrics or lawns with forged excise stamps, marks, or seals for marking cambrics or laws thereon, 4 G. 3. c. 37. s. 26; 7 G. 3. c. 43. s. 18.

497. Or with forged impressions of such stamps, marks, or seals thereon, ibid.

Candles. 498. Or forged or erased excise certificates for allowances on candles, 32 G. 3. c. 7. s. 9.

Chocolate. 499. Or chocolate with forged excise marks, stamps, or devices for marking chocolate thereon, 10 G. 1. c. 10. s. 22; 32 G. 2. c. 10. s. 14.

Corn. 500. Or forged or erased customs certificates on the exportation of corn and grain, 29 G. 3. c. 58. s. 17.

Cotton. 501. Or printed, stained, painted, or dyed cotton stuffs, with forged excise seals or stamps for marking the same thereon, 14 G. 3. c. 72. s. 10; 24 G. 3. st. 2. c. 40. s. 25.

502. Or forged or erased customs certificates for bounties on whale fishery, 26 G. 3. c. 41. s. 16. Fish.

503. Or forged or erased customs certificates on the removal of foreign straw hats, and certain other articles, 9 G. 3. c. 41. s. 5. Hats.

504. Or hides, skins, vellum, or parchment, with forged customs marks or stamps for marking the same thereon, 9 Ann. c. 11. s. 44; 5 G. 1. c. 2. s. 9; 38 G. 3. c. 54. s. 10. Hides.

505. Or with forged impressions of such marks or stamps thereon, ibid.

506. Or India silk handkerchiefs with forged excise stamps or seals thereon, 54 G. 3. c. 148. s. 5. India handkerchiefs.

507. Or foreign silk lace with customs marks or seals for marking the same thereon, 43 G. 3. c. 68. s. 35. Lace.

508. Or foreign thread lace with forged customs marks or seals, or handwriting, thereon, 19 G. 3. c. 69. s. 28; 46 G. 3. c. 81. s. 11.

509. Or forged or erased excise instruments relating to the allowance of duties on malt, 3 G. 4. c. 18. s. 5.—and on malt and beer, 56 G. 3. c. 43. s. 12. Malt.

510. Or customs documents relative to the trade of or with the Isle of Man, 20 G. 3. c. 42. s. 11; 38 G. 3. c. 63. s. 11; 45 G. 3. c. 99. s. 9. Man, Isle of.

511. Or paper, pasteboard, or certain other articles, with forged excise stamps, marks, devices, or writing for marking the same thereon, 21 G. 3. c. 24. s. 31; 34 G. 3. c. 20. s. 9; 46 G. 3. c. 112. s. 2; 58 G. 3. c. 41. s. 9; 1 G. 4. c. 58. s. 13. Paper.

512. Or with forged impressions of such stamps, marks, or devices thereon, ibid.

513. Or printed, painted, or stained paper, with forged excise stamps or seals for marking the same thereon, 26 G. 3. c. 78. s. 13.

514. Or paper with forged impressions of customs stamps, marks, or seals thereon, 34 G. 3. c. 20. s. 48.

515. Or forged or erased customs affidavits relative to the plantation trade, 12 G. 2. c. 30. s. 15; 4 G. 3. c. 15. s. 32; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15. Plantation trade.

516. Or forged or erased customs certificates relative to the same subject, 7 & 8 W. 3. c. 22. s. 10; 12 G. 2. c. 30. s. 15; 24 G. 2. c. 51. s. 5; 4 G. 3. c. 15. s. 32; 14 G. 3. c. 11. s. 1; 23 G. 3. c. 79. s. 9; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15.

517. Or forged or erased customs clearances relative to the same subject, 4 G. 3. c. 15. s. 32.

518. Or forged or erased customs cockets relative to the same subject, 7 & 8 W. 3. c. 22. s. 10; 4 G. 3. c. 15. s. 32.

519. Or forged or erased customs licences relative to the same subject, 12 G. 2. c. 30. s. 15; 48 G. 3. c. 69. s. 9; 55 G. 3. c. 29. s. 15.

520. Or forged or erased customs permits relative to the same subject, 7 & 8 W. 3. c. 22. s. 10.

521. Or forged or erased customs returns relative to the same subject, ibid.

522. Or forged or erased customs sufferances relative to the same subject, 4 G. 3. c. 15. s. 32.

523. Or foreign sail-cloth with forged customs stamps for marking the same thereon, 9 G. 2. c. 37. s. 2; 19 G. 2. c. 27. s. 6. Sail-cloth.

524. Or silks with forged customs seals or stamps for marking the same thereon, 10 Ann. c. 19. s. 97; 26 G. 2. c. 21. s. 5. Silks.

525. Or forged or erased customs affidavits or certificates to entitle to drawbacks on the exportation of spirits, 33 G. 2. c. 9. s. 12; c. 28. s. 12. Spirits.

526. Or forged or erased excise certificates or specifications on permits relative to the spirit-trade with Ireland, 51 G. 3. c. 121. s. 7; 54 G. 3. c. 149. s. 19.

527. Or forged stamps or seals for marking starch, 26 G. 3. c. 51. s. 14; 36 G. 3. c. 6. s. 13; 42 G. 3. c. 14. s. 6; 52 G. 3. c. 127. s. 13. Starch and hair-powder.

528. Or starch with forged impressions of such stamps or seals thereon, ibid.

529. Or forged excise stamps or seals for marking hair-powder, 36 G. 3. c. 6. s. 13.

530. Or hair-powder with forged impressions of such stamps or seals thereon, ibid.

Tobacco and snuff.

531. Or forged or erased excise permits for the removal of tobacco or snuff, 29 G. 3. c. 68. s. 125.

532. Or forged customs certificates for discharging bonds given for exporting tobacco, 29 G. 3. c. 68. s. 137.

Wine.

533. Or forged or erased customs certificates for the removal of wine, 23 G. 3. c. 76. s. 5.

534. Or forged or erased excise permits for the removal of foreign wine, 26 G. 3. c. 59. s. 39.

535. Or forged or erased excise certificates of recognizances relative to the removal of foreign wine, 26 G. 3. c. 59. s. 40.

536. Or forged or erased indorsements thereon, ibid.

537. Or forged customs certificates for discharging bonds on foreign wine warehoused, 35 G. 3. c. 118. s. 5.

538. Or forged or erased excise instruments relative to French wines, 54 G. 3. c. 121. s. 7.

Wool.

539. Or forged customs licences, certificates, acknowledgments, or instruments relative to the exportation of wool and woollens, 28 G. 3. c. 38. s. 124.

EXCISE AND CUSTOMS *in particular cases.—Abusing*

Cambrics.

540. The excise mark or seal for cambrics or lawns, 4 G. 3. c. 37. s. 21; 7 G. 3. c. 43. s. 14.

Chocolate.

541. Or the excise mark, stamp, or devise for chocolate, 11 G. 1. c. 30. s. 13. 32 G. 2. c. 10. s. 14.

Lace.

542. Or the customs mark, seal, or handwriting for foreign thread lace, 19 G. 3. c. 69. s. 28; 46 G. 3. c. 81. s. 11.

Paper.

543. Or excise stamps, marks, devices, or writing for marking paper, pasteboard, and certain other articles, 21 G. 3. c. 24. s. 31; 34 G. 3. c. 20. s. 9; 49 G. 3. c. 81. s. 1; 1 G. 4. c. 58. ss. 11. 13.

544. Or excise frame-marks, stamps, or seals for marking printed, painted, or stained paper, 26 G. 3. c. 78. s. 15.

545. Or customs stamps, marks, or seals, for marking foreign paper, 34 G. 3. c. 20. s. 48.

546. Or customs frame-marks, stamps, or seals for marking foreign printed, painted, or stained paper, 32 G. 3. c. 54. s. 3.

547. Or the impression of the same thereon, ibid.

Silks.

548. Or customs seals or marks for marking silks, 6 & 7 W. 3. c. 18. s. 30; 9 & 10 W. 3. c. 43. s. 5.

549. Or seals or marks of the lustring company for marking silks, ibid.

Starch and hair-powder.

550. Or excise stamps or seals for marking starch, 26 G. 3. c. 51. s. 14; 36 G. 3. c. 6. s. 13; 42 G. 3. c. 14. s. 6; 52 G. 3. c. 127. s. 13.

551. Or hair-powder, 36 G. 3. c. 6. s. 13.

Tobacco.

552. Or customs and excise marks on tobacco, 44 G. 3. c. 100. s. 16.

FISHERIES.—*Forging*

Certificates.

553. Certificates relative to the curing of fish, 41 G. 3. c. 21. s. 26.

554. Or indorsements thereon, ibid.

555. Or certificates, debentures, or cockets relative to the encouragement of the British fisheries, 26 G. 3. c. 81. s. 39.

556. Or certificates relative to the encouragement of the whale fishery, 15 G. 3. c. 31. s. 32; 26 G. 3. c. 50. s. 29; 28 G. 3. c. 20. s. 20; 35 G. 3. c. 92. s. 39.

557. Or the seals or marks of the British white-herring fishery, 23 G. 2. c. 24. s. 3. Marks.

FISHERIES.—*Erasing*

558. Certificates, debentures, or cockets relative to the encouragement of the British fisheries, 26 G. 3. c. 81. s. 39. Certificates.

559. Or certificates relative to the encouragement of the whale fishery, 15 G. 3. c. 31. s. 32; 26 G. 3. c. 50. s. 29; 28 G. 3. c. 20. s. 20; 35 G. 3. c. 92. s. 39.

FISHERIES.—*Uttering*

560. Forged or erased certificates, debentures, or cockets relative to the encouragement of the British fisheries, 26 G. 3. c. 81. s. 39. Forged certificates.

561. Or forged or erased certificates relative to the encouragement of the whale fishery, 15 G. 3. c. 31. s. 32; 26 G. 3. c. 50. s. 29; 28 G. 3. c. 20. s. 20; 35 G. 3. c. 92. s. 39.

562. Or forged seals or marks of the British white-herring fishery, 23 G. 2. c. 24. s. 3. Marks.

GUN-BARREL.—*Forging*

563. Marks or stamps for marking gun-barrels, 53 G. 3. c. 115. s. 9; 55 G. 3. c. 59. s. 6. Marks.

GUN-BARREL.—*Uttering*

564. Gun-barrels with forged marks or stamps for marking the same thereon, ibid. Forged marks.

GUN-BARREL.—*Abusing*

565. The marks or stamps for marking gun-barrels, 55 G. 3. c. 59. s. 7. Marks.

HACKNEY-COACH.—*Forging*

566. Hackney-coach notes or tickets, or orders for the same, 54 G. 3. c. 147. s. 7. Tickets.

HACKNEY-COACH.—*Uttering*

567. Forged hackney-coach notes or tickets, or orders for the same, ibid. Tickets.

HAWKER.—*Forging*

568. Hawkers licences, 9 & 10 W. 3. c. 27. s. 5; 25 G. 3. c. 78. s. 5; 29 G. 3. c. 26. s. 12; 50 G. 3. c. 41. s. 18. Licences.

HAWKER.—*Having in possession*

569. Forged hawkers licences, ibid. Licences.

HAWKER.—*Uttering*

570. Forged hawkers licences, 29 G. 3. c. 26. s. 12; 50 Geo. 3. c. 41. s. 18. Licences.

HOPS.—*Forging*

571. The owners marks on hops, 39 & 40 G. 3. c. 81. s. 4. Marks.

HOPS.—*Erasing*

572. The owners marks on hops, ibid. Marks.

INSURANCE.—*Forging*

573. The seal of the London or Royal Exchange insurance company, 6 G. 1. c. 18. s. 13. Seals, policies, declarations.

574. Or policies, bills, bonds, or obligations under such seal, ibid.

575. Or underwriters signatures to declarations of return of premium, 54 G. 3. c. 133. s. 10.

576. Or the declarations themselves, ibid.

INSURANCE.—*Uttering*

Forged policies. 577. Forged policies, bills, bonds, or obligations under the seal of the London or Royal Exchange insurance company, 6 G. 1. c. 18. s. 13.

Declarations. 578. Or forged underwriters signatures to declarations of return of premium, 54 G. 3. c. 133. s. 10.

579. Or forged declarations themselves, ibid.

KIDDERMINSTER COMPANY.—*Forging*

Seal. 580. The seal of the Kidderminster weavers company, 22 & 23 Car. 2. c. 8. s. 13.

KIDDERMINSTER COMPANY.—*Uttering*

Seal. 581. Forged seals of the Kidderminster weavers company, ibid.

KIDDERMINSTER COMPANY.—*Abusing*

Seal. 582. The seals of the Kidderminster weavers company, ibid.

LAND REVENUE.—*Forging*

Instruments. 583. Instruments relative to the land revenue of the crown, 54 G. 3. c. 70. s. 38.

LAND REVENUE.—*Uttering*

Instruments. 584. Forged instruments relative to the land revenue of the crown, ibid.

LAND-TAX.—*Forging*

Instruments. 585. Certain instruments relative to the land-tax, 38 G. 3. c. 60. s. 118; 42 G. 3. c. 116. s. 194; 52 G. 3. c. 143. s. 6.

LAND-TAX.—*Uttering*

Instruments. 586. Certain forged instruments relative to the land-tax, ibid.

LEGACY.—*Forging*

Assessments or receipts. 587. Assessments or receipts for legacy duties, 36 G. 3. c. 52. s. 39.

LEGACY.—*Uttering*

Assessments or receipts. 588. Forged assessments or receipts for legacy duties, ibid.

LETTERS.—*Forging*

Subscriptions. 589. The handwriting in the superscription of a letter, 4 G. 3. c. 24. s. 8; 24 G. 3. st. 2. c. 37. s. 9; 42 G. 3. c. 63. s. 14.

590. Or the date upon its superscription, 24 G. 3. st. 2. c. 37. s. 9; 42 G. 3. c. 63. s. 14.

Post-office mark. 591. Or any stamp, mark of postage, or designation on ship letters, 54 G. 3. c. 169. s. 14.

392. Or any stamp, mark of postage, or designation upon ship letters, to or from Ireland, 55 G. 3. c. 103. s. 14.

Name. 593. Falsely superscribing any letter as being the owner, charterer, or consignee of the vessel conveying the same, or the owner, shipper, or consignee of the goods shipped in the vessel, 55 G. 3. s. 153. s. 47.

LETTERS.—*Uttering*

Superscription. 594. Letters with forged handwriting in the superscription, 24 G. 3. st. 2. c. 37. s. 9; 42 G. 3. c. 63. s. 14.

595. Or with a forged date upon the superscription, ibid.

LETTERS.—*Abusing*

Privileges. 596. Privileges touching ordnance and other official letters, 44 G. 3. c. 84. s. 3.

597. Or letters relating to Greenwich Hospital, or prize matters.
598. Or letters relating to seamen or soldiers.

LETTERS OF MARQUE.—*Forging*

599. Any commission for war, or letter of marque, or any warrant for making out the same, 43 G. 3. c. 160. s. 46; 45 G. 3. c. 72. s. 110.; 54 G. 3. c. 93. s. 69; 55 G. 3. c. 160. s. 62. — The letters themselves.

600. Or certificates relating to letters of marque and prizes, ibid. — Or certificates relating thereto.

LETTERS OF MARQUE.—*Erasing*

601. Any commission for war, or letter of marque,or any warrant for making out the same, 43 G. 3. c. 160. s. 46; 45 G. 3. c. 72. s. 110; 54 G. 3. c. 93. s. 69; 55 G. 3. c. 160. s. 62. — The letters themselves.

602. Or certificates relating to letters of marque and prizes, ibid. — Or certificates relating thereto

LETTERS OF MARQUE—*Uttering*

603. Forged commissions for war or letters of marque, or warrants for making out the same, ibid. — The letters themselves.

604. Or Forged certificates relating to letters of marque and prizes, ibid. — Or certificates relating thereto.

LINEN.—*Uttering*

605. On foreign linens, stamps in imitation of stamps for marking Scotch or Irish linen, 17 G. 2. c. 30. s. 1. — Stamps.

606. Or forged stamps for British or Irish linen, ibid.

LINEN COMPANY.—*Forging*

607. The seal of the English linen company, 4 G. 3. c. 37. s. 15. — Seal.

608. Or any deed, bill, bond, or obligation under that seal, ibid. — Securities.

LINEN COMPANY—*Uttering*

609. Forged bills, bonds, or obligations of the English company, ibid. — Securities.

LOTTERY.—*Forging*

610. Certificates, 30 G. 2. c. 5. s. 16; 31 G. 2. c. 22. s. 55; 32 G. 2. c. 10. s. 39; 1 G. 3. c. 7. s. 33; 3 G. 3. c. 12. s. 53; 16 G. 3. c. 34. s. 35; 41 G. 3. U. K. c. 27. s. 11; 44 G. 3. c. 93. s. 11; 47 G. 3. sess. 2. c. 9. s. 11; 49 G. 3. c. 94. s. 11. — Certificates.

611. Or chances, 19 G. 3. c. 21. s. 17; 47 G. 3. sess. 2. c. 9. s. 39; 49 G 3. c. 94. s. 41. — Chances.

612. Or agreements for chances, 47 G. 3. sess. 2. c. 9. s. 39; 49 G. 3. c. 94. s. 41.

613. Or licences, 19 G. 3. c. 21. s. 10; 22 G. 3. c. 47. s. 8; 42 G. 3. c. 54. s. 42; 47 G. 3. sess. 2. c. 9. s. 33; 1 G. 4. c. 72. s. 33. — Licences.

614. Or orders, 16 G. 3. c. 34. s 35; 41 G. 3. U. K. c. 27. s. 11; 44 G. 3. c. 93. s. 11; 47 G. 3. sess. 2. c. 9. s. 11; 49 G. 3. c. 94. s. 11. — Orders.

615. Or receipts, 30 G. 2. c. 5. s. 16; 19 G. 3. c. 21. s. 17; 22 G. 3. c. 47. s. 22. — Receipts.

616. Or shares, 19 G. 3. c. 21. s. 17; 33 G. 3. c. 62. s. 35; 41 G. 3. U. K. c. 27. s. 35; 42 G. 3. c. 54. s. 47; 47 G. 3. sess. 2. c. 39; 49 G. 3. c. 94. s. 41. — Shares.

617. Or agreements for shares, 33 G. 3. c. 62. s. 35; 41 G. 3. U. K. c. 27. s. 35; 42 G. 3. c. 54. s. 47; 47 G. 3. sess. 2. c. 9. s. 39; 49 G. 3. c. 94. s. 41.

618. Or tickets, 30 G. 2. c. 5. s. 16; 31 G. 2. c. 22. s. 55; 32 G. 2. c. 10. s. 39; 1 G. 3. c. 7. s. 33; 3 G. 3. c. 12. s. 53; 16 G. 3. c. 34. s. 35; 41 G. 3. U. K. c. 27. s. 11; 44 G. 3. c. 93. s. 11; 47 G. 3. sess. 2. c. 9. s. 11; 49 G. 3. c. 94. s. 11. — Tickets.

LOTTERY.—*Uttering*

Certificates. 619. Forged certificates, 30 G. 2. c. 5. s. 16; 31 G. 2. c. 22. s. 55; 32 G. 2. c. 10. s. 39; 1 G. 3. c. 7. s. 33; 3 G. 3. c. 12. s. 53; 16 G. 3. c. 34. s. 35; 41 G. 3. U. K. c. 27. s. 11; 44 G. 3. c. 93. s. 11; 47 G. 3. sess. 2. c. 9. s. 11; 49 G. 3. c. 94. s. 11.

Chances. 620. Or chances, 19 G. 3. c. 21. s. 17; 47 G. 3. sess. 2. c. 9. s. 39; 49 G. 3. c. 94. s. 41.

621. Or agreements for chances, 47 G. 3. sess. 2. c. 9. s. 39; 49 G. 3. c. 94. s. 41.

Licences. 622. Or licenses, 22 G. 3. c. 47. s. 8; 42 G. 3. c. 54. s. 42; 47 G. 3. sess. 2. c. 9. s. 33; 1 G. 4. c. 72. s. 33.

Orders. 623. Or orders, 16 G. 3. c. 34. s. 35; 41 G. 3. U. K. c. 27. s. 11; 47 G. 3. sess. 2. c. 9. s. 11; 49 G. 3. c. 94. s. 11.

Receipts. 624. Or receipts, 30 G. 2. c. 5. s. 16; 19 G. 3. c. 21. s. 17; 22 G. 3. c. 47. s. 22.

Shares. 625. Or shares, 19 G. 3. c. 21. s. 17; 33 G. 3. c. 62. s. 35; 41 G. 3. U. K. c. 27. s. 35; 42 G. 3. c. 54. s. 47; 47 G. 3. sess. 2. c. 9. s. 39; 49 G. 3. c. 94. s. 41.

626. Or agreements for shares, 33 G. 3. c. 62. s. 35; 41 G. 3. U. K. c. 27. s. 35; 42 G. 3. c. 54. s. 47; 47 G. 3. sess. 2. c. 9. s. 39; 49 G. 3. c. 94. s. 41.

Tickets. 627. Or tickets, 30 G. 2. c. 5. s. 16; 31 G. 2. c. 22. s. 55; 32 G. 2. c. 10. s. 39; 1 G. 3. c. 7. s. 33; 3 G. 3. c. 12. s. 53; 16 G. 3. c. 34. s. 35; 41 G. 3. U. K. c. 27. s. 11; 44 G. 3. c. 93. s. 11; 47 G. 3. sess. 2. c. 9. s. 11; 49 G. 3. c. 94. s. 11.

MARRIAGE.—*Forging*

Entries. 628. Marriage entries, 26 G. 2. c. 33. s. 16.

Licences. 629. Or licences, ibid.

MARRIAGE.—*Erasing*

Registers. 630. Marriage register books, 26 G. 2. c. 33. s. 16.

MARRIAGE.—*Uttering*

Entries. 631. Forged marriage entries, ibid.

Licences. 632. Or licences, ibid.

MEDITERRANEAN PASS.—*Forging*

The pass itself. 633. Mediterranean passes, 4 G. 2. c. 18.

Or seals or signatures thereto. 634. Or certain official seals or signatures to such passes, ibid.

MEDITERRANEAN PASS.—*Erasing*

The pass itself. 635. Mediterranean passes, ibid.

MEDITERRANEAN PASS.—*Uttering*

The pass itself. 636. Forged Mediterranean passes, ibid.

NATIONAL DEBT.—*Forging*

637. Certificates or orders under this act for reducing the national debt, 32 G. 3. c. 55. s. 9.

NATIONAL DEBT.—*Uttering*

638. Forged certificates or orders under this act for reducing the national debt, ibid.

NAVY.—*Forging*

Approval. 639. Certain approvals relative to drawing for pay, 57 G. 3. c. 20. s. 10.

640. Or certain assignments relative to the same subject, ibid.

641. Or certain assignments relative to half-pay, 56 G. 3. c. 101. s. 4.

642. Or any assignments, 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

643. Or certain authorities relative to drawing for pay, 57 G. 3. c. 20. s. 10. Authority.

644. Or certain authorities relative to half-pay, 56 G. 3. c. 101. s. 4.

645. Or any power or authority, 9 & 10 W. 3. c. 41. s. 3; 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. Vide pl. 1056.

646. Or certain bills relative to drawing for pay, 35 G. 3. c. 94. s. 34; 57 G. 3. c. 20. s. 10. Bill.

647. Or certain bills relative to half-pay, 56 G. 3. c. 101. s. 4.

648. Or remittance bills, 32 G. 3. c. 33. s. 23. c. 34. s. 29; 1 & 2 G. 4. c. 49. s. 2.

649. Or duplicates thereof, 32 G. 3. c. 33. s. 23. c. 34. s. 29.

650. Or any bills, 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

651. Or certain certificates relative to drawing for pay, 35 G. 3. c. 28. s. 30. c. 94. s. 34; 57 G. 3. c. 20. s. 10. Certificate.

652. Or certain certificates relative to half-pay, 56 G. 3. c. 101. s. 4.

653. Or certain certificates relative to prize-money, 49 G. 3. c. 123. s. 13.

654. Or certain certificates of servitude, 55 G. 3. c. 60. s. 29; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18; vide etiam 43 Eliz. c. 3. s. 13.

655. Or of discharge, 32 G. 3. c. 33. s. 23.

656. Or certificates for probate or administration, 32 G. 3. c. 34. s. 29.

657. Or from the inspector of seamen's wills, 55 G. 3. c. 60. s. 32.

658. Or to the deputy paymaster, 32 G. 3. c. 34. s. 29.

659. Or certain merchant seamen's certificates, 20 G. 2. c. 38. s. 4.

660. Or any certificate, 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

661. Or check, 32 G. 3. c. 34. s. 29. Check.

662. Or declaration relative to allotted pay, 35 G. 3. c. 28. s. 30. Declaration.

663. Or certain extracts, 35 G. 3. c. 94. s. 34. Extract.

664. Or letters of attorney, 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. Vide pl. 1037. Letter of Attorney.

665. Or certain orders, 35 G. 3. c. 28. s. 30. c. 94. s. 34; 49 G. 3. c. 123. s. 13. Order.

666. Or any orders, 54 G. 3. c. 93. s. 89; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

667. Or receipts for allotted pay, 35 G. 3. c. 28. s. 30. Receipt.

668. Or tickets, 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. Ticket.

669. Or duplicates thereof, 32 G. 3. c. 33. s. 23.

670. Or wills, 31 G. 2. c. 10. s. 24; 32 G. 3. c. 33. s. 23; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. Will.

671. Or the names of marine officers on half-pay, 49 G. 3. c. 45. s. 11. Marine's half-pay.

672. Or of persons upon the compassionate list, ibid. Compassionate list.

673. Or documents to receive Greenwich out-pensions, 54 G. 3. c. 110. s. 6. Greenwich out-pension.

674. Or petitions for certain certificates to obtain administration, 55 G. 3. c. 60. s. 30; vide 32 G. 3. c. 34. s. 29, repealed by this statute. Petition to obtain administration.

675. Or signatures to certificates thereto, 55 G. 3. c. 60. s. 31; vide 32 G. 3. c. 34. s. 29, repealed by this statute. Signatures to certificates thereto.

676. Or prize lists, 45 G. 3. c. 72. s. 60; 54 G. 3. c. 93. s. 21. Prize lists.

Prize orders. 677. Or orders for receiving prize-money, 49 G. 3. c. 123. s. 14; 54 G. 3. c. 93. s. 43.

Name of treasurer of navy. 678. Or the name of the treasurer of the navy, 25 G. 3. c. 31. s. 10. Vide 1 G. 1. st. 2. c. 25. s. 6.

Or his draft. 679. Or his draft, 25 G. 3. c. 31. s. 10.

Licence against impressment. 680. Or licences against impressment, 7 & 8 W. 3. c. 21. s. 15.

Recruiting documents. 681. Or certain documents relative to recruiting the navy, 35 G. 3. c. 5. s. 30.

Pass. 682. Or mariner's passes, 39 Eliz. c. 17. s. 3.

NAVY.—*Erasing*

Prize lists. 683. Names from certified prize lists, 45 G. 3. c. 72. s. 60; 54 G. 3. c. 93. s. 21.

Merchant seamen's certificates. 684. Or certain merchant seamen's certificates, 20 G. 2. c. 38. s. 4.

685. Or certain documents relative to recruiting the navy, 35 G. 3. c. 5. s. 30.

NAVY.—*Having in Possession*

Forged pass. 686. Forged mariners' passes, 39 Eliz. c. 17. s. 3.

NAVY.—*Uttering*

Forged approval. 687. Certain forged approvals relative to drawing for pay, 57 G. 3. c. 20. s. 10.

Assignment. 688. Or certain forged assignments relative to the same object, ibid.

689. Or certain forged assignments relative to half-pay, 56 G. 3. c. 101. s. 4.

690. Or any forged assignment, 9 G. 3. c. 30. s. 6; 45 G. 3. c. 72. s. 121. 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

691. Or certain forged authorities relative to drawing for pay, 57 G. 3. c. 20. s. 10.

Authority. 692. Or certain forged authorities relative to half-pay, 56 G. 3. c. 101. s. 4.

693. Or any forged power or authority, 9 G. 3. c. 30. s. 6; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. Vide pl. 1103.

Bill. 694. Or certain forged bills relative to drawing for pay, 35 G. 3. c. 94. s. 34; 57 G. 3. c. 20. s. 10.

695. Or certain forged bills relative to half-pay, 56 G. 3. c. 101. s. 4.

696. Or forged remittance bills, 32 G. 3. c. 33. s. 23; 32 G. 3. c. 34. s. 29; 1 & 2 G. 4. c. 49. s. 2.

697. Or forged duplicates thereof, 32 G. 3. c. 33. s. 23; 32 G. 3. c. 34. s. 29.

698. Or any forged bills, 9 G. 3. c. 30. s. 6; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

rtificate. 699. Or certain forged certificates relative to drawing for pay, 35 G. 3. c. 28. s. 30. c. 94. s. 34; 57 G. 3. c. 20. s. 10.

700. Or certain forged certificates relative to half-pay, 56 G. 3. c. 101. s. 4.

701. Or certain forged certificates relative to prize-money, 49 G. 3. c. 123. s. 13.

702. Or certain forged certificates of servitude, 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

703. Or of discharge, 32 G. 3. c. 33. s. 23.

704. Or forged certificates for probate or administration, 32 G. 3. c. 34. s. 29.

705. Or from the inspector of seamen's wills, 55 G. 3. c. 60. s. 32.

706. Or to the deputy-paymaster, 32 G. 3. c. 34. s. 29.

707. Or any forged certificate, 9 G. 3. c. 30. s. 6; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

Check. 708. Or forged check, 32 G. 3. c. 34. s. 29.

Declaration. 709. Or forged declaration relative to allotted pay, 35 G. 3. c. 28. s. 30.

Extract. 710. Or certain forged extracts, 35 G. 3. c. 94. s. 34.

Letter of attorney. 711. Or forged letters of attorney, 9 G. 3. c. 30. s. 6; 45 G. 3. c. 72. s. 121;

54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. Vide pl. 1085.

712. Or certain forged orders, 35 G. 3. c. 28. s. 30. c. 94. s. 34; 49 G. 3. c. 123. s. 13. — Order.

713. Or any forged orders, 54 G. 3. c. 93. s. 89; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

714. Or forged receipts for allotted pay, 35 G. 3. c. 28. s. 30. — Receipt.

715. Or forged tickets, 9 G. 3. c. 30. s. 6; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. — Ticket.

716. Or forged duplicates thereof, 32 G. 3. c. 33. s. 23.

717. Or forged wills, 9 G. 3. c. 30. s. 6; 32 G. 3. c. 33. s. 23; 45 G. 3. c. 72, s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. — Will.

718. Or the forged names of marine officers on half-pay, 49 G. 3. c. 45. s. 11. — Marine's half-pay.

719. Or of persons upon the compassionate list, ibid. — Compassionate list.

720. Or forged documents to receive Greenwich out-pensions, 54 G. 3. c. 110. s. 6. — Greenwich out-pension.

721. Or forged petitions for certain certificates to obtain administration, 55 G. 3. c. 60. s. 30. Vide pl. 1066. — Petition to obtain administration.

722. Or forged signatures to certificates thereto, 55 G. 3. c. 60. s. 31. Vide pl. 1067. — Or signatures to certificates thereto.

723. Or the forged name of the treasurer of the navy, 25 G. 3. c. 31. s. 10. Vide 1 G. 1. st. 2. c. 25. s. 6. — Name of treasurer of navy.

724. Or his forged draft, 25 G. 3. c. 31. s. 10. — Or his draft.

725. Or certain forged or erased documents relative to recruiting the navy, 35 G. 3. c. 5. s. 30. — Recruiting decuments.

NAVY.—*Receiving*

726. Upon probate of forged will, 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. — On forged will.

727. Or upon probate or administration obtained by false oath, ibid. — Or probate or administration obtained by false oath.

728. Or upon forged certificate of servitude, 55 G. 3. c. 60. s. 29. — Or on forged certificate.

729. Or of discharge, ibid.

730. Or upon certain forged petitions to treasurer of navy, 55 G. 3. c. 60. s. 30. — Or on forged petition.

731. Or not being within certain degrees of relationship or licensed, 49 G. 3. c. 123. s. 36; 59 G. 3. c. 56. s. 3. — Or not being a near relation or licensed.

732. Or after revocation of licence, ibid. — Or after licence revoked.

NAVY.—*Attempting to receive*

733. Upon forged certificates of servitude, 55 G. 3. c. 60. s. 29. — On forged certificate.

734. Or discharge, ibid.

NAVY.—*Offering to receive*

735. After revocation of one's licence, 49 G. 3. c. 123. s. 36; 59 G. 3. c. 56. s. 3. — After licence revoked.

NAVY.—*Demanding*

736. Upon probate of forged will, 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. — On forged will.

737. Or upon probate or administration obtained by false oath, ibid. — Or probate or administration obtained by false oath.

738. Or upon certain forged petitions to treasurer of navy, 55 G. 3. c. 60. s. 30. — Or on forged petition.

NAVY.—*Personating*

739. The party himself, 9 & 10 W. 3. c. 41. s. 3; 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18. — The party.

Or his wife. 740. Or his wife, 9 & 10 W. 3. c. 41. s. 3; 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

Widow. 741. Or his widow, 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

Representative. 742. Or his personal representative, 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

Relation. 743. Or his relation, ibid.

Creditor. 744. Or his creditor, ibid.

Half-pay marine. 745. Or a marine officer on half-pay, 49 G. 3. c. 45. s. 10.

One on compassionate list. 746. Or one upon the compassionate list, ibid.

Greenwich pensioner. 747. Or a Greenwich pensioner, 43 G. 3. c. 119. s. 17.

Or his representative. 748. Or his personal representative, ibid.

Greenwich out-pensioner. 749. Or a Greenwich out-pensioner, 54 G. 3. c. 110. s. 6.

750. Or one to whom a certificate for a Greenwich out-pension has been granted, 54 G. 3. c. 10. s. 6.

Near relation. 751. Or one within a certain degree of relationship, 59 G. 3. c. 56. s. 3.

Or to obtain license against impressment. 752. Or another person, to obtain a licence against impressment, 7 & 8 W. 3. c. 21. s. 15.

NAVY.—*Taking a false oath*

To obtain probate or administration. 753. To obtain probate or administration, 31 G. 2. c. 10. s. 24; 45 G. 3. c. 72. s. 121; 54 G. 3. c. 93. s. 89; 55 G. 3. c. 60. s. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18.

Or a Greenwich out-pension. 754. Or a Greenwich out-pension, 54 G. 3. c. 110. s. 6.

NORFOLK AND NORWICH WEAVERS.—*Forging*

Seal. 755. The seal of the Norfolk and Norwich weavers company, 13 & 14 Car. 2. c. 5. s. 14.

NORFOLK AND NORWICH WEAVERS.—*Uttering*

Seal. 756. Forged seals of the Norfolk and Norwich weavers company, ibid.

NORFOLK AND NORWICH WEAVERS.—*Abusing*

Seal. 757. The seal of the Norfolk and Norwich weavers company, ibid.

ORDNANCE.—*Forging*

Name of treasurer. 758. The name of the treasurer of, or of certain persons connected with, the ordnance, to any draft, instrument, or writing in form of a draft, 46 G. 3. c. 45. s. 9.

Or his draft. 759. Or any draft, instrument, or writing in form of a draft made by such treasurer or persons, ibid.

ORDNANCE.—*Uttering*

Name of treasurer. 760. Drafts, instruments, or writings in form of drafts, with the name of the treasurer of, or of certain persons connected with, the ordnance, forged thereto, ibid.

Or his draft. 761. Or the forged draft, instrument, or writing in form of a draft of such treasurer or persons, ibid.

PARISH REGISTER.—*Forging*

Entries. 762. Entries relative to baptism, burial, or marriage, in certain register books, copies thereof, lists or declarations, 52 G. 3. c. 146. s. 14.

Registers. 763. Or any part of such registers, copies, lists, or declarations, ibid.

PARISH REGISTER.—*Erasing*

Registers. 764. Certain register books, or any part thereof, ibid.

PAWNBROKER.—*Forging*

765. Pawnbrokers tickets, 27 G. 3. c. 37. s. 6; 29 G. 3. c. 57. s. 6; 36 G. 3. c. 87. s. 8; 39 & 40 G. 3. c. 99. s. 9. — Tickets.

PAWNBROKER.—*Uttering*

766. Forged pawnbrokers' tickets, ibid. — Tickets.

PILOT.—*Forging*

767. Boatmen's licences to carry off pilots, 53 G. 3. c. 140. s. 5. — Boatman's licence.

PILOT.—*Erasing*

768. Boatmen's licences to carry off pilots, ibid. — Boatman's licence.

PLATE. (*k*)—*Forging*

769. The marks of the London goldsmiths company, 12 & 13 W. 3. c. 4. s. 8; 12 G. 2. c. 26. s. 8; 31 G. 2. c. 32. s. 15; 13 G. 3. c. 59. s. 2; 38 G. 3. c. 69. s. 7. (*l*) — London mark.

770. Or of the plate company in Birmingham, 13 G. 3. c. 52. s. 14; 24 G. 3. st. 2. c. 53. s. 16; 38 G. 3. c. 69. s. 7. — Birmingham mark.

771. Or Sheffield, ibid. — Sheffield mark.

772. Or York, 12 & 13 W. 3. c. 4. s. 8; 12 G. 2. c. 26. s. 8; 31 G. 2. c. 32. s. 15; 13 G. 3. c. 59. s. 2; 24 G. 3. st. 2. c. 53. s. 16; 38 G. 3. c. 69. s. 7. — York Mark.

773. Or Exeter, ibid. — Exeter mark.

774. Or Bristol, ibid. — Bristol mark.

775. Or Chester, ibid. — Chester mark.

776. Or Norwich, ibid. — Norwich mark.

777. Or Newcastle-upon-Tyne, 12 G. 2. c. 26. s. 8; 31 G. 2. c. 32. s. 15; 13 G. 3. c. 59. s. 2; 24 G. 3. st. 2. c. 53. s. 16; 38 G. 3. c. 69. s. 7. — Newcastle mark.

PLATE.—*Uttering*

778. Forged or transposed marks of the London goldsmiths company, 12 G. 2. c. 26. s. 8; 31 G. 2. c. 32. s. 15; 13 G. 3. c. 59. s. 2; 38 G. 3. c. 69. s. 7. — London mark.

779. Or of the plate company in Birmingham, 13 G. 3. c. 52. s. 14; 24 G. 3. st. 2. c. 53. s. 16; 38 G. 3. c. 69. s. 7. — Birmingham mark.

780. Or Sheffield, ibid. — Sheffield mark.

781. Or York, 12 G. 2. c. 26. s. 8; 31 G. 2. c. 32. s. 15; 13 G. 3. c. 59. s. 2; 24 G. 3. st. 2. c. 53. s. 16; 38 G. 3. c. 69. s. 7. — York mark.

782. Or Exeter, ibid. — Exeter mark.

783. Or Bristol, ibid. — Bristol mark.

784. Or Chester, ibid. — Chester mark.

785. Or Norwich, ibid. — Norwich mark.

786. Or Newcastle-upon-Tyne, ibid. — Newcastle mark.

PLATE.—*Abusing*

787. The impressions of the London goldsmiths company, 12 G. 2. c. 26. s. 8; 31 G. 2. c. 32. s. 15; 13 G. 3. c. 59. s. 2; 38 G. 3. c. 69. s. 7. — London mark.

788. Or of the plate company in Birmingham, 13 G. 3. c. 52. s. 14; 24 G. 3. st. 2. c. 53. s. 16; 38 G. 3. c. 69. s. 7. — Birmingham mark.

789. Or Sheffield, ibid. — Sheffield mark.

790. Or York, 12 G. 2. c. 26. s. 8; 31 G. 2. c. 32. s. 15; 13 G. 3. c. 59. s. 2; 24 G. 3. st. 2. c. 53. s. 16; 38 G. 3. c. 69. s. 7. — York mark.

(*k*) Vide tit. STAMP DUTIES.

(*l*) Sir Edward East observes, that it is singular, that when this subject was under the review of the legislature, and the punishment for the offences under this Act limited to transportation, offenders ejusdem generis under the former Act should be left subjected to capital punishment. East, P. C. c. 19. s. 18.

Exeter mark. 791. Or Exeter, 12 G. 2. c. 26. s. 8; 31 G. 2. c. 32. s. 15; 13 G. 3. c. 59. s. 2; 24 G. 3. st. 2. c. 53. s. 16; 38 G. 3. c. 69. s. 7.

Bristol mark. 792. Or Bristol, ibid.

Chester mark. 793. Or Chester, ibid.

Norwich mark. 794. Or Norwich, ibid.

Newcastle mark. 795. Or Newcastle-upon-Tyne, ibid.

PLATE GLASS COMPANY.—*Forging*

Seal. 796. The seal of the plate glass company, 13 G. 3. c. 38. s. 28; 38 G. 3. c. 17. s. 23.

Securities. 797. Or any deed or writing under their common seal, ibid.

PLATE GLASS COMPANY.—*Uttering*

Securities. 798. Forged deeds or writings of the plate glass company, ibid.

POST OFFICE.—*Forging*

Name of receiver-general; 799. The name or hand-writing of the receiver-general of the post office, or his clerk, or authorised person, to any draft, instrument, or writing, 46 G. 3. c. 83. s. 9; 47 G. 3. sess. 2. c. 59. s. 3.

Or his draft. 800. Or any draft, instrument, or writing in form of a draft made by such receiver-general, or his deputy, or authorised person, ibid.

POST OFFICE.—*Uttering*

Name of receiver-general. 801. Any draft, instrument, or writing, with the name or hand-writing of the receiver-general of the post office, or his clerk, or authorised person, forged thereto, ibid.

Or his draft. 802. Or any forged draft, instrument, or writing in form of a draft made by such receiver-general, or his deputy, or authorised person, ibid.

PREFINES.—*Forging*

Name of the receiver. 803. Upon writs of covenant the hand of the receiver of the prefines at the alienation office, 32 G. 2. c. 14. s. 9; 52 G. 3. c. 143. s. 5.

PROPERTY-TAX.—*Forging*

Writings. 804. Certain instruments relating to the property-tax, 43 G. 3. c. 122. s. 217; 45 G. 3. c. 49. s. 209; 46 G. 3. c. 65. s. 202.

Indorsements. 805. Or indorsements on certain of the same, 43 G. 3. c. 122. s. 217.

PROPERTY-TAX.—*Uttering*

Writings. 806. Certain forged instruments relating to the property-tax, 43 G. 3. c. 122. s. 217; 45 G. 3. c. 49. s. 209; 46 G. 3. c. 65. s. 202.

Indorsements. 807. Or certain of the same with forged indorsements thereon, 43 G. 3. c. 122. s. 217.

QUARANTINE.—*Forging*

Certificate. 809. Certain certificates relating to quarantine, 39 & 40 G. 3. c. 80. s. 27; 45 G. 3. c. 10. s. 30; 46 G. 3. c. 98. s. 8.

QUARANTINE.—*Erasing*

Certificate. 809. Certain certificates relating to quarantine, 46 G. 3. c. 98. s. 8.

QUARANTINE.—*Uttering*

Certificate. 810. Certain forged certificates relating to quarantine, 39 & 40 G. 3. c. 80. s. 27; 45 G. 3. c. 10. s. 30.

811. Or certificates relating to the same subject, the contents of which are false, 46 G. 3. c. 98. s. 8.

RECEIPT (*m*).—*Forging*

812. Receipt for stamp duties on indentures of apprenticeship, 8 Ann. c. 9. s. 41. — For stamp duties.

RECORDS.—*Forging*

813. Any record, or parcel thereof, writ, return, panel, process, or warrant of attorney in certain courts, 8 H. 6. c. 12. s. 3. — Record.

REGISTRATION.—*Forging*

814. Instruments touching registration in Middlesex, 7 Ann. c. 20. s. 15. — Middlesex.

815. Or in the North Riding of Yorkshire, 8 G. 2. c. 6. s. 31. — Yorkshire.

816. Or in the East Riding of Yorkshire or Hull, 5 Ann. c. 18. s. 8; 6 Ann. c. 35. s. 26.

817. Or in the West Riding of Yorkshire, 2 & 3 Ann. c. 4. s. 19; 5 Ann. c. 18. s. 8.

RUSSIAN SUBSIDY.—*Forging*

818. Certain instruments relative to the Russian and Prussian subsidy, 54 G. 3. c. 13. s. 5. — Instruments.

819. Or certain signatures thereto, ibid. — Signatures.

820. Or indorsements thereon, ibid. — Indorsements.

RUSSIAN SUBSIDY.—*Uttering*

821. Certain forged instruments relative to the Russian and Prussian subsidy, ibid. — Instruments.

822. Or certain forged signatures thereto, ibid. — Signatures.

823. Or indorsements thereon, ibid. — Indorsements.

SERVANT'S CHARACTER.—*Forging*

824. Certificate of servant's character, 32 G. 3. c. 56. s. 4. — Certificate.

SERVANT'S CHARACTER.—*Erasing*

825. Certificate of servant's character, ibid. — Certificate.

SERVANT'S CHARACTER.—*Uttering*

826. Forged certificate of servant's character, ibid. — Certificate.

SHIP.—*Forging*

827. Certificates relating to the registration of ships, 26 G. 3. c. 60. s. 42. — Certificate of registration.

828. Or boats, 35 G. 3. c. 58. s. 12.

SHIP.—*Erasing*

829. Certificates relating to the registration of ships, 26 G. 3. c. 60. s. 41. — Certificate of registration.

830. Or boats, 35 G. 3. c. 58. s. 12.

SHIP.—*Uttering*

831. Forged certificates relating to the registration of ships, 26 G. 3. c. 60. s. 41. — Certificate of registration.

832. Or boats, 35 G. 3. c. 58. s. 12.

SLAVE TRADE.—*Forging*

833. Certain certificates, copies of sentences of condemnation, or receipts, relating to the abolition of the slave trade, 47 G. 3. sess. 1. c. 36. s. 12. — Instruments.

(*m*) Vide tit. WRITINGS IN GENERAL.

SLAVE TRADE.—*Uttering*

Instruments. 834. Certain forged certificates, copies of sentences of condemnation, or receipts, relating to the abolition of the slave trade, ibid.

SOUTH-SEA COMPANY.—*Forging*

Seal. 835. The seal of the South-sea company, 9 Ann. c. 21. s. 57; 6 G. 1. c. 4. s. 56.

Bond; 836. Or bonds or obligations under that seal, ibid.

Or indorsement thereon. 837. Or indorsements or assignments thereon, 12 G. 1. c. 32 s. 9.

Receipt. 838. Or South-sea company receipts, 6 G. 1 c. 11. s. 50.

Or indorsement thereon. 839. Or indorsements or writings thereupon or therein, ibid.

Dividend warrant; 840. Or South-sea company dividend warrants, ibid.

Or indorsement thereon. 841. Or indorsements or writings thereupon or therein, 6 G. 1. c. 11. s. 50.

SOUTH-SEA COMPANY.—*Uttering*

Bond; 842. Forged South-sea bonds or obligations, 9 Ann. c. 21. s. 57; 6 G. 1. c. 4 s. 56.

Or indorsement thereon. 843. Or forged indorsements or assignments thereon, 12 G. 1. c. 32. s. 9.

Receipts; 844. Or forged South-sea receipts, 6 G. 1. c. 11. s. 50.

Or indorsement thereon. 845. Or forged indorsements or writings thereupon or therein, ibid.

Dividend warrant: 846. Or forged South-sea dividend warrants, ibid.

Or indorsement thereon. 847. Or forged indorsements or writings thereupon or therein, ibid.

STAMP DUTIES.—*Forging*

Stamps. 848. Stamps for denoting payment of stamp duties for admissions to inns of court, or certificates of calling to the bar, 2 G. 3. c. 36. s. 8; 5 G. 3. c. 47. s. 8.

849. Or for almanacks, 21 G. 3. c. 56. s. 9; 55 G. 3. c. 185. s. 6.

850. Or for writings of apprenticeship, 8 Ann. c. 9. s. 41.

851. Or for armorial certificates, 38 G. 3. c. 53. s. 18.

852. Or for writings of clerkship to attornies, 34 G. 3. c. 14. s. 14.

853. Or for attorney's certificate or certain other writings, 25 G. 3. c. 80. s. 30.

854. Or for bills and notes, 22 G. 3. c. 33. s. 6; 23 G. 3. c. 49. s. 20; 31 G. 3. c. 25. s. 29; 39 G. 3. c. 107. s. 25; 41 G. 3. U. K. c. 10. s. 8.

855. Or for cards, 10 Ann. c. 19. s. 163; 29 G. 2. c. 13. s. 5; 5 G. 3. c. 46. s. 40; 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13; 41 G. 3 U. K. c. 86. s. 16.

856. Or for deeds, 16 G. 3. c. 34. s. 15; 37 G. 3. c. 111. s. 5; 41 G. 3. U. K. c. 10. s. 8. c. 86. s. 16.

857. Or for dice, 10 Ann. c. 19. s. 163; 29 G. 2. c. 13. s. 5; 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13; 41 G. 3. U. K. c. 86. s. 16.

858. Or for game certificates, 24 G. 3. st. 2. c. 43. s. 16; 25 G. 3. c. 50. s. 19; 31 G. 3. c. 21. s. 5.

859. Or for gloves, 25 G. 3. c. 55. s. 15.

860. Or for hair-powder, 35 G. 3. c. 49. s. 31; vide infra, pl. 1262.

861. Or for hats, 24 G. 3. st. 2. c. 51. s. 15; 36 G. 3. c. 125. s. 19.

862. Or for certain law proceedings, 32 G. 2. c. 35. s. 8.

863. Or for receipts for legacies or shares under intestacies, 20 G. 3. c. 28. s. 6; 36 G. 3. c. 52. s. 40.

864. Or for legacies, 45 G. 3. c. 28. s. 8.

865. Or for licences for retailing liquors, 29 G. 2. c. 12. s. 21; 24 G. 3. st. 2. c. 30. s. 5; 41 G. 3. U. K. c. 10. s. 8. c. 86. s. 16.

866. Or for lottery instruments, 19 G. 3. c. 21. s. 17; 22 G. 3. c. 47. s. 22.

867. Or for medicines, 23 G. 3. c. 62. s. 11; 25 G. 3. c. 79. s. 17; 42 G. 3. c. 56. s. 15.

868. Or for newspapers, 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13; 55 G. 3. c. 185. s. 6.

869. Or for pawnbroker's licences, 25 G. 3. c. 48. s. 10.

870. Or for perfumery or certain other subjects, 26 G. 3. c. 49. s. 24. Vide pl. 1252.

871. Or for gold or silver plate, 24 G. 3. st. 2. c. 53. s. 16; 55 G. 3. c. 185. s. 7.

872. Or for policies of insurance, 10 Ann. c. 26. s. 72; 5 G. 3. c. 35. s. 6; 7 G. 3. c. 44. s. 5; 35 G 3. c. 63. s. 23; 41 G. 3. U. K. c. 10. s. 8.

873. Or for probate, 41 G. 3. U. K. c. 86. s. 16.

874. Or for receipts, 23 G. 3. c. 49. s. 20; 31 G. 3. c. 25. s. 29; 35 G. 3. c. 55. s. 17; 43 G. 3. c. 126. s. 11.

875. Or for stage coach licences, 55 G. 3. c. 185. s. 7.

876. Or for thread lace, 46 G. 3. c. 81. ss. 11. 19.

877. Or generally for vellum parchment and paper, 5 W. & M. c. 21. s. 11; 9 & 10 W. 3. c. 25. s. 59; 9 Ann. c. 23. s. 34; 10 Ann. c. 19. s. 115; 5 G. 3. c. 46. s. 40; 17 G. 3. c. 50. s. 25; 19 G. 3. c. 66. s. 8; 23 G. 3. c. 58. s. 11; 35 G. 3. c. 30. s. 4; 37 G. 3. c. 90. s. 5; 43 G. 3. c. 127. s. 8; 44 G. 3. c. 98. s. 9.

878. Or, more generally, for any thing, 6 G. 1. c. 21. s. 60; 30 G. 2. c. 19. s. 27; 27 G. 3. c. 13. s. 46; 29 G. 3. c. 51. s. 8; 48 G. 3. c. 149. s. 7; 50 G. 3. c. 35. s. 6; 52 G. 3. c. 143. s. 7; 55 G. 3. c. 184. s. 7.

879. Or post-horse tickets, 19 G. 3. c. 51. s. 34; 20 G. 3. c. 51. s. 47; 25 G. 3. c. 51. s. 55. Post-horse tickets.

880. Or the name or hand-writing of the receiver-general of the stamp duties for the time being, or of his clerk, or of either of the commissioners of stamps, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the bank of England on account of the receiver-general of the stamp duties, 46 G. 3. c. 76. s. 9. Name of receiver-general

881. Or any draft, instrument, or writing in form of a draft, made by such receiver-general or his clerk, ibid. Or his draft.

882. Forging impressions of stamps for denoting payment of stamp duties for admission to inns of court, or certificates of calling to the bar, 2 G. 3. c. 36. s. 8; 5 G. 3. c. 47. s. 8. Impressions of stamps.

883. Or for almanacks, 21 G. 3. c. 56. s. 9; 55 G. 3. c. 185. s. 6.

884. Or for writings of apprenticeship, 8 Ann. c. 9. s. 41.

885. Or for armorial certificates, 38 G. 3. c. 53. s. 18.

886. Or for writings of clerkship to attorneys, 34 G. 3. c. 14. s. 14.

887. Or for attorney's certificate, or certain other writings, 35 G. 3. c. 80. s. 30.

888. Or for bills and notes, 31 G. 3. c. 25. s. 29; 41 G. 3. U. K. c. 10. s. 8.

889. Or for cards, 10 Ann. c. 19. s. 163; 29 G. 2. c. 13. s. 5, 5 G. 3. c. 46. s. 40; 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13; 41 G. 3. U. K. c. 86. s. 16.

890. Or for deeds, 16 G. 3. c. 34. s. 15; 37 G. 3. c. 111. s. 5; 41 G. 3. U. K. c. 10. s. 8. c. 86. s. 16.

891. Or for dice, 10 Ann. c. 19. s. 163; 29 G. 3. c. 13. s. 5; 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13: 41 G. 3. U. K. c. 86. s. 16.

892. Or for game certificates, 24 G. 3. st. 2. c. 43. s. 16; 25 G. 3. c. 50. s. 19; 31 G. 3. c. 21. s. 5.

893. Or for gloves, 25 G. 3. c. 55. s. 15.

894. Or for hair-powder, 35 G. 3. c. 49. s. 31; vide infra, *Perfumery*.

895. Or for hats, 24 G. 3. st. 2. c. 51. s. 15; 36 G. 3. c. 125. s. 19.

896. Or for certain law proceedings, 32 G. 3. c. 35. s. 8.

897. Or for receipts for legacies or shares under intestacies, 20 G. 3. c. 28. s. 6; 36 G. 3. c. 52. s. 40.

898. Or for legacies, 45 G. 3. c. 28. s. 8.

899. Or for licences for retailing liquors, 29 G. 2. c. 12. s. 21; 24 G. 3. st. 2. c. 30. s. 5; 41 G. 3. U.K. c. 10. s. 8; c. 86. s. 16.

900. Or for lottery instruments, 19 G. 3. c. 21. s. 17; 22 G. 3. c. 47. s. 22.

901. Or for medicines, 23 G. 3. c. 62. s. 11; 25 G. 3. c. 79. s. 17; 42 G. 3. c. 56. s. 15.

902. Or for newspapers, 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13; 55 G. 3. c. 185. s. 6.

903. Or for pawnbrokers' licences, 25 G. 3. c. 48. s. 10.

904. Or for perfumery or certain other subjects, 26 G. 3. c. 49. s. 24.

905. Or for gold or silver plate, 24 G. 3. st. 2. c. 53. s. 16; 52 G. 3. c. 143. s. 8; 55 G. 3. c. 185. s. 7.

906. Or for policies of insurance, 10 Ann. c. 26. s. 72; 5 G. 3. c. 35. s. 6; 7 G. 3. c. 44. s. 5; 35 G. 3. c. 63. s. 23; 41 G. 3. U.K. c. 10. s. 8.

907. Or for probate, 41 G. 3. U. K. c. 86. s. 16.

908. Or for receipts, 31 G. 3. c. 25. s. 29; 35 G. 3. c. 55. s. 17; 43 G. 3. c. 126. s. 11.

909. Or for stage-coach licences, 55 G. 3. c. 185. s. 7.

910. Or for thread lace, 46 G. 3. c. 81. ss. 11. 19.

911. Or generally for vellum, parchment, and paper, 5 W. & M. c. 21. s. 11; 8 & 10 W. 3. c. 25. s. 59; 9 Ann. c. 23. s. 34; 10 Ann. c. 19. s. 115; 5 G. 3. c. 46. s. 40; 17 G. 3. c. 50. s. 25; 19 G. 3. c. 66. s. 8; 23 G. 3. c. 58. s. 11; 35 G. 3. c. 30. s. 4; 37 G. 3. c. 90. s. 5; 43 G. 3. c. 127. s. 8; 44 G. 3. c. 98. s. 9.

912. Or, more generally, for any thing, 6 G. 1. c. 21. s. 60; 30 G. 2. c. 19. s. 27; 27 G. 3. c. 13. s. 46; 29 G. 3. c. 51. s. 8; 48 G. 3. c. 149. s. 7; 50 G. 3. c. 35. s. 6; 52 G. 3. c. 143. s. 7; 55 G. 3. c. 184. s. 7.

STAMPS.—*Having in possession*

Forged stamps.

913. A forged stamp in imitation of the stamp for marking gold and silver plate, 24 G. 3. st. 2. c. 53. s. 16; 52 G. 3. c. 143. s. 8; 55 G. 3. c. 185. s. 7.

STAMPS.—*Uttering*

Forged impressions of stamps.

914. Forged impressions of stamps for denoting payment of stamp duties for admissions to inns of court, or certificates of calling to the bar, 2 G. 3. c. 36. s. 8; 5 G. 3. c. 47. s. 8.

915. Or for almanacks, 55 G. 3. c. 185. s. 6.

916. Or for writings of apprenticeship, 8 Ann. c. 9. s. 41.

917. Or for armorial certificates, 38 G. 3. c. 53. s. 18.

918. Or for writings of clerkship to attornies, 34 G. 3. c. 14. s. 14.

919. Or for attorney's certificate, or certain other writings, 25 G. 3. c. 80. s. 30.

920. Or for bills and notes, 22 G. 3. c. 33. s. 6; 23 G. 3. c. 49. s. 20; 31 G. 3. c. 25. s. 29; 39 G. 3. c. 107. s. 25; 41 G. 3. U.K. c. 10. s. 8.

921. Or for cards, 10 Ann. c. 19. s. 163; 29 G. 2. c. 13. s. 5; 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13; 41 G. 3. U.K. c. 86. s. 16.

922. Or for deeds, 16 G. 3. c. 34. s. 15; 37 G. 3. c. 111. s. 5; 41 G. 3. U.K. c. 10. s. 8; c. 86. s. 16.

923. Or for dice, 10 Ann. c. 19. s. 163; 29 G. 2. c. 13. s. 5; 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13; 41 G. 3. U.K. c. 86. s. 16.

924. Or for game certificates, 25 G. 3. c. 50. s. 19; 31 G. 3. c. 21. s. 5.

925. Or for gloves, 25 G. 3. c. 55. s. 15.

926. Or for hair-powder, 35 G. 3. c. 49. s. 31; vide infra, *Perfumery*.

927. Or for hats, 36 G. 3. c. 125. s. 19.

928. Or for certain law proceedings, 32 G. 2. c. 35. s. 8.

929. Or for receipts for legacies or shares under intestacies, 20 G. 3. c. 28. s. 6; 36 G. 3. c. 52. s. 40.

930. Or for legacies, 45 G. 3. c. 28. s. 8.

931. Or for licences for retailing liquors, 29 G. 2. c. 12. s. 21; 41 G. 3. U. K. c. 86. s. 16.

932. Or for lottery instruments, 19 G. 3. c. 21. s. 17.

933. Or for medicines, 25 G. 3. c. 79. s. 17; 42 G. 3. c. 56. s. 20.

934. Or for newspapers, 16 G. 3. c. 34. s. 15; 29 G. 3. c. 50. s. 13; 55 G. 3. c. 185. s. 6.

935. Or for pawnbrokers licences, 25 G. 3. c. 48. s. 10.

936. Or for perfumery, or certain other subjects, 26 G. 3. c. 49. s. 24.

937. Or for gold and silver plate, 24 G. 3. st. 2. c. 53. s. 16; 52 G. 3. c. 143. s. 8.; 55 G. 3. c. 185. s. 7.

938. Or for policies of insurance, 10 Ann. c. 26. s. 72; 5 G. 3. c. 35. s. 6; 7 G. 3. c. 44. s. 5; 35 G. 3. c. 63. s. 23; 41 G. 3. U. K. c. 10. s. 8.

939. Or for probates, 41 G. 3. U. K. c. 86. s. 16.

940. Or for receipts, 23 G. 3. c. 49. s. 20; 31 G. 3. c. 25. s. 29; 35 G. 3. c. 55. s. 17; 43 G. 3. c. 126. s. 11.

941. Or for stage-coach licences, 55 G. 3. c. 185. s. 6.

942. Or for thread lace, 46 G. 3. c. 81. s. 11.

943. Or, generally, for vellum, parchment, and paper, 5 W. & M. c. 21. s. 11; 9 & 10 W. 3. c. 25. s. 59; 9 Ann. c. 23. s. 34; 10 Ann. c. 19. s. 115; 5 G. 3. c. 46. s. 40; 23 G. 3. c. 58. s. 11; 35 G. 3. c. 30. s. 4; 37 G. 3. c. 90. s. 5; 43 G. 3. c. 127. s. 8; 44 G. 3. c. 98. s. 9.

944. Or, more generally, for any thing, 6 G. 1. c. 21. s. 60; 30 G. 2. c. 19. s. 27; 27 G. 3. c. 13. s. 46; 29 G. 3. c. 51. s. 8; 48 G. 3. c. 149. s. 7; 50 G. 3. c. 35. s. 6; 52 G. 3. c. 143. s. 7; 55 G. 3. c. 184. s. 7.

945. Or forged post-horse tickets, 19 G. 3. c. 51. s. 34; 25 G. 3. c. 51. s. 55. *Post-horse tickets.*

946. Or any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the bank of England, on account of the receiver-general of the stamp duties, with the name or hand-writing of the receiver general of the stamp duties for the time being, or of his clerk, or of either of the commisioners of stamps, forged thereto, 46 G. 3, c. 76. s. 9. *Name of receiver-general.*

947. Or any forged draft, instrument, or writing, in form of a draft, made by such receiver-general or his clerk, ibid. *Or his draft.*

STAMPS.—*Abusing*

948. Stamps for denoting payment of stamp duties for admissions to inns of court, or certificates of calling to the bar, 5 G. 3. c. 47. s. 8. *Stamps.*

949. Or for almanacks, 21 G. 3. c. 56. s. 9; 55 G. 3. c. 185. s. 6.

950. Or for attorney's certificate, or certain other writings, 25 G. 3. c. 80. s. 30.

951. Or for bills and notes, 22 G. 3. c. 33. s. 6; 39 G. 3. c. 107. s. 25.

952. Or for cards, 10 Ann. c. 19. s. 163; 29 G. 2. c. 13. s. 5; 16 G. 3. c. 34. s. 15; 41 G. 3. U. K. c. 86. s. 16.

953. Or for deeds, 16 G. 3. c. 34. s. 15; 41 G. 3. U. K. c. 86. s. 16.

954. Or for dice, 10 Ann. c. 19. s. 163; 29 G. 2. c. 13. s. 5; 16 G. 3. c. 34. s. 15; 41 G. 3. U. K. c. 86. s. 16.

955. Or for game certificates, 24 G. 3. st. 2. c. 43. s. 16; 25 G. 3. c. 50. s. 19.

956. Or for gloves, 25 G. 3. c. 55. s. 15.

957. Or for hair-powder, 35 G. 3. c. 49. s. 31; see infra *Perfumery.*

958. Or for hats, 24 G. 3. st. 2. c. 51. s. 15; 36 G. 3. c. 125. s. 19.

959. Or for certain law proceedings, 32 G. 2. c. 35. s. 8.

960. Or for legacies, 45 G. 3. c. 28. s. 8.

961. Or for licences for retailing liquors, 29 G. 2. c. 12. s. 21; 24 G. 3. st. 2. c. 30. s. 5; 41 G. 3. U. K. c. 86. s. 16.

962. Or for medicines, 23 G. 3. c. 62. s. 11; 25 G. 3. c. 79. s. 17.

963. Or for newspapers, 16 G. 3. c. 34. s. 15; 55 G. 3. c. 185. s. 6.

964. Or for pawnbrokers licences, 25 G. 3. c. 48. s. 10.

965. Or for perfumery, or certain other subjects, 26 G. 3. c. 49. s. 24.

966. Or for gold or silver plate, 55 G. 3. c. 185. s. 7.

967. Or for policies of insurance, 10 Ann. c. 26. s. 72.

968. Or for probates, 41 G. 3. U. K. c. 86. s. 16.

969. Or for stage coach licences, 55 G. 3. c. 185. s. 6.

970. Or generally, for vellum, parchment, and paper, 5 G. 3. c. 46. s. 40; 17 G. 3. c. 50. s. 25; 19 G. 3. c. 66. s. 8; 35 G. 3. c. 30. s. 4; 37 G. 3. c. 90. s. 5.

971. Or, more generally, for any thing, 30 G. 2. c. 19. s. 27; 48 G. 3. c. 149. s. 7; 52 G. 3. c. 143. s. 7.

Impressions of stamps.

972. Abusing impressions of stamps for denoting payment of stamp duties for cards, 6 G. 1. c. 21. s. 55; 5 G. 3. c. 46. ss. 13, 14; 12 G. 3. c. 48. s. 1.

973. Or for dice, 6 G. 1. c. 21. s. 55.

974. Or for gloves, 25 G. 3. c. 55. ss. 11, 12.

975. Or for hats, 24 G. 3. st. 2. c. 51. ss. 11, 12; 36 G. 3. c. 125. s. 9.

976. Or for medicine, 23 G. 3. c. 62. s. 8; 42 G. 3. c. 56. ss 13, 14.

977. Or for perfumery, or certain other subjects, 26 G. 3. c. 49. ss. 14, 15.

978. Or for gold or silver plate, 24 G. 3. st. 2. c. 53. s. 16; 52 G. 3. c. 143. s. 8; 55 G. 3. c. 185. s. 7.

979. Or for thread lace, 46 G. 3. c. 81. s. 11.

980. Or, generally, for vellum, parchment, and paper, 1 Ann. st. 2. c. 22. s. 2; 12 G. 3. c. 48. s. 1.

981. Or, more generally, for any thing, 48 G. 3. c. 149. s. 7.

STOCK.—*Forging*

Powers to transfer stock.

982. Any power to transfer shares in the capital stock of any corporation established by act of parliament, 8 G. 1. c. 22 s. 1; 31 G. 2. c. 22. s. 77; 4 G. 3. c. 25. s. 15.

983. Or the proprietor's name thereto, 8 G. 1. c. 22. s. 1; 31 G. 2. c. 22. s. 77; 4 G. 3. c. 25. s. 15.

984. Or any power to transfer shares in any capital stock established by act of parliament, 4 G. 3. c. 25. s. 15.

985. Or any power to transfer shares in certain Irish stock made transferable at the bank of England, 35 G. 3. c. 66. s. 4; 37 G. 3. c. 46. s. 4.

986. Or the proprietor's name thereto, ibid.

Or attestations thereto.

987. Or attestations to powers to transfer shares in any stock transferable at the bank of England, 37 G. 3. c. 122. s. 1.

988. Or in bank stock, ibid.

989. Or in South-sea stock, ibid.

990. Or in East India stock, ibid.

Powers to transfer dividends.

991. Or powers to transfer dividends on any stock transferable at the bank of England, ibid.

992. Or on bank stock, ibid.

993. Or on South-sea stock, ibid.

994. Or on East India stock, ibid.

Transfers of stock.

995. Or transfers of any stock transferable at the bank of England, 33 G. 3. c. 30. s. 2.

996. Or of bank stock, ibid.

997. Or of certain Irish stock made transferable at the bank of England, 35 G. 3. c. 66. s. 8; 37 G. 3. c. 46. s. 8.

998. Or (transferring) in the bank books, any stock transferable at the bank of England in another's name, not being the proprietor, 33 G. 3. c. 30. s. 1.

999. Or (transferring) in the bank books certain Irish stock, made transferable at the bank of England, in the name of another not being the proprietor, 37 G. 3. c. 46. s. 7.

Powers to receive dividends.

1000. Or (forging) powers to receive dividends in transferable shares, in any capital stock established by act of parliament, 8 G. 1. c. 22. s. 1; 31 G. 2. c. 22. s. 77; 4 G. 3. c. 25. s. 15.

1001. Or the proprietor's name thereto, ibid.

1002. Or powers to receive dividends on certain Irish stock made payable at the bank of England, 35 G. 3. c. 66. s. 4; 37 G. 3. c. 46. s. 4.

1003. Or the proprietor's name thereto, ibid.

Or attestations thereto.

1004. Or attestations to powers to receive dividends on any stock transferable at the bank of England, 37 G. 3. c. 122. s. 1.

1005. Or on bank stock, ibid.

1006. Or on South-sea stock, ibid.

1007. Or on East India stock, ibid.

Dividend warrants;

1008. Or dividend warrants for payment of dividends on certain Irish stock made payable at the bank of England, 35 G. 3. c. 66. s. 5; 37 G. 3. c. 46. s. 5; vide in division BANK OF ENGLAND.

Or indorsements thereon.

1009. Or indorsements thereon, ibid.

Certain certificates.

1010. Or certificates, or duplicate certificates, under the act for transferring English to Irish stock, 57 G. 3. c. 79. s. 13.

1011. Or certificates, or duplicate certificates under this act, for transferring Irish to English stock, 1 & 2 G. 4. c. 73. s. 15.

STOCK.—*Uttering*

Powers to transfer stock, with forged attestations.

1012. Powers to transfer any stock transferable at the bank of England, with forged attestations thereto, 37 G. 3. c. 122. s. 1.

1013. Or powers to transfer bank stock, with forged attestations thereto, ibid.

1014. Or powers to transfer South-sea stock with forged attestations thereto, ibid.

1015. Or powers to transfer East India stock with forged attestations thereto, ibid.

Powers to transfer dividends, with forged attestations.

1016. Or powers to transfer dividends on any stock, transferable at the bank of England, with forged attestations thereto, ibid.

1017. Or powers to transfer dividends on bank stock, with forged attestations thereto, ibid.

1018. Or powers to transfer dividends on South-sea stock, with forged attestations thereto, ibid.

1019. Or powers to transfer dividends on East India stock, with forged attestations thereto, ibid.

Forged transfers.

1020. Or forged transfers of any stock transferable at the bank of England, 33 G. 3. c. 30. s. 2.

1021. Or forged transfers of certain Irish stock made transferable at the bank of England, 35 G. 3. c. 66. s. 8; 37 G. 3. c. 46. s. 8.

1022. Or forged transfers made in the bank books of any stock transferable at the bank of England in another's name, not being the proprietor, 33 G. 3. c. 30. s. 1.

Powers to receive dividends, with forged attestations.

1023. Or powers to receive dividends on any stock transferable at the bank of England, with forged attestations thereto, 37 G. 3. c. 122. s. 1.

1024. Or powers to receive dividends on bank stock, with forged attestations thereto, ibid.

1025. Or powers to receive dividends on South-sea stock, with forged attestations thereto, ibid.

1026. Or powers to receive dividends on East India stock, with forged attestations thereto, ibid.

Forged dividend warrants;

1027. Or forged dividend warrants for payment of dividends on certain Irish stock, made payable at the bank of England, 35 G. 3. c. 66. s. 5; 37 G. 3. c. 46. s. 5.

Or forged indorsements thereon.

1028. Or forged indorsements thereon, ibid.

Certain forged certificates.

1029. Or forged certificates or duplicate certificates under this act, for transferring English to Irish stock, 57 G. 3. c. 79. s. 13.

1030. Or forged certificates, or duplicate certificates under this act, for transferring Irish to English stock, 1 & 2 G. 4. c. 73. s. 15.

STOCK.—*Demanding*

Endeavouring to transfer stocks.

1031. Demanding or endeavouring to have transferred, shares in any capital stock of any corporation established by act of parliament, under forged powers, 8 G. 1. c. 22. s. 1; 31 G. 2. c. 22. s. 77; 4 G. 3. c. 25. s. 15.

1032. Or in certain Irish stock, transferable at the bank of England, under forged powers, 35 G. 3. c. 66. s. 4; 37 G. 3. c. 46. s. 4.

1033. Or under powers, with the proprietor's name forged thereto, ibid.

Endeavouring to receive dividends.

1034. Or demanding, or endeavouring to have received, dividends of shares in any capital stock established by act of parliament, under forged powers, 8 G. 1. c. 22. s. 1; 31 G. 2. c. 22. s. 77; 4 G. 3. c. 25. s. 15.

1035. Or dividends on certain Irish stock, made payable at the bank of England under forged powers, 35 G. 3. c. 66. s. 4; 37 G. 3. c. 46. s. 4.

1036. Or under powers, with the proprietor's name forged thereto, ibid.

1037. Or demanding the contents of forged dividend warrants, for payment of dividends on certain Irish stock made payable at the bank of England, 35 G. 3. c. 66. s. 5; 37 G. 3. c. 46. s. 5.

1038. Or of dividing warrants, with forged indorsements thereon, ibid.

STOCK.—*Personating*

Proprietors of stock.

1039. The proprietors of shares in the capital stock of any corporation established by act of parliament, and thereby transferring, or endeavouring to transfer the same, 8 G. 1. c. 22. s. 1; 31 G. 2. c. 22. s. 77; 4 G. 3. c. 25. s. 15.

1040. Or the proprietors of certain Irish stock, transferable at the bank of England, and thereby transferring, or endeavouring to transfer the same, 35 G. 3. c. 66. s. 4; 37 G. 3. c. 46. s. 4.

Proprietors of dividends.

1041. Or the proprietors of dividends on shares in any capital stock established by act of parliament, and thereby receiving, or endeavouring to receive the same, 8 G. 1. c. 22. s. 1; 31 G. 2. c. 22. s. 77; 4 G. 3. c. 25. s. 15.

1042. Or the proprietors of dividends of certain Irish stock, payable at the bank of England, and thereby receiving, or endeavouring to receive the same, 35 G. 3. c. 66. s. 4; 37 G. 3. c. 46. s. 4.

STOCK.—*Falsifying*

Dividend warrants.

1043. Making out false bank dividend warrants, 33 G. 3. c. 30. s. 4.

Bank books.

1044. Or falsifying the bank books, 33 G. 3. c. 30. s. 3.

1045. Or bank books kept pursuant to this act, relating to certain Irish stock made transferable at the bank of England, 35 G. 3. c. 66. s. 9; 37 G. 3. c. 46. s. 9.

SUPPLY ACTS.

Enumeration of enactments.

1046. The provisions connected with the present subject, are contained in the following acts, 5 W & M. c. 5. s. 4; 2 & 3 Ann. c. 3. s. 23; 9 G. 1. c. 12. s. 4; 4 G. 2. c. 9. s. 9; 9 G. 2. c. 34. s. 8; 11 G. 2. c. 27. s. 9; 18 G. 2. c. 9. ss. 46. 50; 19 G. 2. c. 12. ss. 72. 76; 30 G. 2. c. 19. ss. 63. 68; 8 G. 3. c. 21. ss. 76. 91; 9 G. 3. c. 13. 23. s. 38; 11 G. 3. c. 29. s. 96; 29 G. 3. c. 41. s. 36; 30 G. 3. c. 46. s. 23; 33 G. 3. c. 29. s. 48; 35 G. 3. c. 66. s. 3; 35 G. 3. c. 93. s. 7; 35 G. 3. c. 127. s. 50; 37 G. 3. c. 46. s. 3; 38 G. 3. c. 16. s. 95; 41 G. 3. U. K. c. 3. s. 24;

42 G. 3. c. 58. ss. 20. 26; 47 G. 3. sess. 1. c. 55. s. 8; 48 G. 3. c. 38. s. 12; 48 G. 3. c. 142. s. 27; 49 G. 3. c. 64. s. 3; 49 G. 3. c. 92. s. 5; 50 G. 3. c. 23. s. 11; 51 G. 3. c. 15. s. 71; 51 G. 3. c. 61. s. 5; 52 G. 3. c. 129. s. 8; 53 G. 3. c. 41. s. 26; 53 G. 3. c. 41. s. 27; 53 G. 3. c. 53. s. 32; 53 G. 3. c. 53. s. 33; 57 G. 3. c. 34. s. 63; 58 G. 3. c. 23. s. 38; 3 G. 4. c. 51. s. 15; 3 G. 4. c. 86. s. 54; 3 G. 4. c. 113. s. 23.

TAXES (*Assessed*)—*Forging*

1047. Altering assessments after allowance by commissioners, 43 G. 3. c. 99. s. 25. — Assessments.

1048. Or books or rates after such allowance, ibid. s. 51. — Books or rates.

THREAD.—*Forging*

1049. The marks used by manufacturers of ounce thread, 28 G. 3. c. 17. s. 3. — Marks for ounce thread.

THREAD.—*Uttering.*

1050. Marking any thread with forged marks used by manufacturers of ounce thread, 28 G. 3. c. 17. s. 3. — Forged marks for ounce thread.

1051. Selling or exposing to sale any thread so marked by such forged marks, ibid.

VAGRANT.—*Forging*

1052. Certain certificates, receipts, or notes, touching the expenses of passing vagrants, 17 G. 2. c. 5. s. 18. — Certificates relative to expenses of passing.

VOLUNTEERS.—*Forging*

1053. The name of the agent general of volunteers and local militia, 49 G. 3. c. 113. s. 12; 52 G. 3. c. 152. s. 16; 54 G. 3. c. 151. s. 16. — Name of agent general.

1054. Or his draft, ibid. — Or his draft.

VOLUNTEERS.—*Uttering*

1055. The forged name of the agent general of volunteers and local militia, ibid. — Forged name of agent general.

1056. Or his draft, ibid. — Or his forged draft.

WAX.—*Forging.*

1057. Marks on Wax, 23 Eliz. c. 8. s. 6. — Marks.

WAX.—*Abusing*

1058. Setting to the marks of others, without their consent, ibid. — Marks.

WEIGHTS.—*Forging*

1059. Stamps for weights for gold and silver coin, 14 G. 3. c. 92. s. 5. — Stamps for coin.

1060. Or impressions of the same, ibid. — Or impressions.

WEIGHTS.—*Uttering*

1061. Weights for gold and silver coin with the impressions of forged stamps thereon, ibid. — Forged impressions of stamps for coin.

WEIGHTS.—*Falsifying*

1062. Increasing or diminishing weights for gold and silver coin after they have been duly stamped, ibid. — Weights for coin.

1063. Or making use of any such weight so increased or diminished, ibid.

WOODS AND FORESTS.—*Forging*

1064. The name of the surveyor-general of the woods and forests, 46 G. 3. c. 142. s. 14. — Name of surveyor-general.

1065. Or his draft, ibid. — Or his draft.

1066. Or the names of the commissioners of the woods and forests, 50 G. 3. c. 65. s. 18. — Or names of commissioners.

1067. Or their drafts, ibid. — Or their drafts.

WOODS AND FORESTS.—*Uttering*

Forged name of surveyor-general.

1068. The forged name of the surveyor-general of the woods and forests, 46 G. 3. c. 142. s. 14.

Or his forged draft.

1069. Or his draft, ibid.

Or forged names of commissioners.

1070. Or the forged names of the commissioners of woods and forests, 50 G. 3. c. 65. s. 18.

Or their forged drafts.

1071. Or their forged drafts, ibid.

WOOLLENS.—*Forging*

Marks.

1072. Marks on dyed woollen goods, 13 G. 1. c. 24. s. 2.

1073. Or on mixt or medley broad-cloth, 10 Ann. c. 16. s. 2.

1074. Or on northern cloth, 39 Eliz. c. 20. s. 7.

1075. Or on Yorkshire woollen cloth, 7 Ann. c. 13. s. 4; 11 G. 1. c. 24. ss. 4. 8; vide etiam s. 16; 11 G. 2. c. 28. s. 7; 5 G. 3. c. 51. s. 18; 6 G. 3. c. 23. s. 11.

WOOLLENS.—*Erasing*

Marks

1076. Defacing marks on mixt or medley broad-cloth, 10 Ann. c. 16. s. 2.

1077. Or on Yorkshire woollen cloth, 7 Ann. c. 13. s. 4; 11 G. 1. c. 24 ss. 4. 8; vide etiam s. 16; 11 G. 2. c. 28. s. 7; 5 G. 3. c. 51. s. 18; 6 G. 3. c. 23. s. 11.

WOOLLENS.—*Uttering*

Forged marks.

1078. Affixing forged marks for northern cloth, 39 Eliz. c. 20 s. 7.

WOOLLENS.—*Abusing*

Marks.

1079. Imprinting or affixing marks for dyed woollen goods, to goods falsely dyed, 13 G. 1. c. 24. s. 2.

WRECK.—*Forging*

Marks.

1080. Altering marks on wreck, 48 G. 3. c. 130. s. 8.

WRECK.—*Defacing*

Marks.

1081. Marks on wreck, ibid.

What offences belong to the enumerated classes.

1082. Judicial decisions have ascertained, in certain cases, what offences belong to the enumerated classes. Upon this subject, the rules are of two kinds: General and Particular. General, or those which apply to enactments universally; Particular, or those which apply to certain enactments only.

And First, of the General Rules.

The purpose immaterial on a question of classification.

1083. On the question, whether a writing is within an enactment against *Forging*, the intent of the fabrication need not be considered: since, whether a writing is of a particular class, depends upon its purport only, and this again upon its terms. Rex *v.* Chisholm, Russell, 1624.

Indictment on the 2 G. 2. c. 25. for forging a bill of exchange, as follows:

" 3d rate, Robert Gore. Entered 13th day of May 1814.

Full pay from 13th day of May 1814, to the 4th of August 1814 - - £25 4 –

Amount of deductions - - - - - - - - - - - 2 17 3

Net pay - - £. 22 6 9

" Gentlemen, 8th day of August 1814. Ten days after sight.

" Please to pay to Mrs. Elizabeth Coall or order, the sum of twenty-two pounds six shillings and nine pence, being the net personal pay due to me, as acting lieutenant of his Majesty's ship Zealous, between thirteenth day of May 1814, and fourth day of August 1814; for value received.—Robert Gore.

" Approved—T. Boys, captain of his Majesty's ship Zealous.

" To the commissioners of his Majesty's navy, London."

Objected: that it appeared clearly, that the instrument was intended to be a bill under the 35 G. 3. c. 94. s. 3; that it was not drawn to be presented for acceptance or payment by the commissioners of

the navy, as a bill of exchange, but in order to procure an assignment of it according to the fifteenth section of that statute; that it was not a bill of exchange, because it was not drawn on any persons bound to accept or pay it; and that the commissioners of the navy were removable at pleasure, and might be changed between the drawing and presenting of the bill. *Answer:* that the intention with which this instrument was made was not material; and that it was not necessary, to constitute a bill of exchange for this purpose, that the parties on whom it was drawn should be liable to accept, or even be existing persons; and that it was enough if the instrument purported to be drawn on a person or persons to whom it might be presented. *Held*, by the twelve judges, that the instrument was properly described as a bill of exchange. Rex v. Chisholm, Russell, 1624; cor. Dampier J. at Exeter Spring Ass. 1815.

Force of a generic term.

1084. Where enactments against forging use the generic term, every writing, whatever its form, similar in legal operation to those which commonly go under that term, are included: since the character of a writing depends, not upon its form, but its operation in law. Rex *v.* Shepherd, or Sheppard, East P. C. c. 19. s. 40; Leach, 265 (1); Rex *v.* Willoughby, East P. C. c. 19. s. 40 (2); Rex *v.* Graham, East P. C. c. 19. s. 41 (3).

(1) Infra, pl. (2) Infra, pl. (3) Infra, pl.

1085. And, in like manner, every writing, whatever its purpose, similar in legal operation to those which commonly go under that term, are (reason not opposing) included: since the term is sufficient to embrace it. Rex *v.* Graham, East P. C. c. 19. s. 41.

Indictment on the 7 G. 2. c. 22, for forging an order for payment of money; which appeared to be an order of a justice of peace for the county of Middlesex, upon the high constable of a division, or the treasurer of the county, to pay a reward of 10*s.* to the prisoner for the apprehension of a vagrant under the stat. 17 G. 2. c. 5. s. 5. *Objected:* that the statute was confined to commercial transactions. *Held*, that it was not. Rex *v.* Graham, East P. C. c. 19. s. 41; cor. Blackstone, J.; Eyre, B.; and the Recorder; O. B. Oct. 1778 (*n*).

Time.

1086. Uttering a counterfeit, made antecedent to the statute, is within it: since the uttering of any counterfeit, and not merely those made in violation of its provisions (and which, to be within them, must be of a later date) is within the terms. Rex *v.* Reeves, Leach, 808.

Indictments on the 36 G. 3. c. 74. s. 22, for forging and uttering a scrip receipt. *Objected:* that it is necessary to conviction, that the receipt was forged subsequently to the passing of the act; which has not been proved. *Held:* that it was for the jury to say, whether, upon the whole of the evidence, the receipt was forged subsequent to the passing of the act; but this consideration only relates to the counts which charge the prisoner with the actual forgery of these receipts; so that even should they be of opinion that they were forged before the 14th May (the commencement of the act), yet if the prisoner after that time uttered them, the offence charged in the other counts is completed. Rex *v.* Reeves, Leach, 808; cor. Lawrence, J.; Heath, J.; and Thompson, B.; O. B. Jan. 1798.

Place.

1087. As the time at which, so, it should seem, the place where, a counterfeit is made, is an immaterial circumstance in the crime of uttering; unless made so by the wording of a statute: since the principal circumstance of the crime is the act of uttering, and the fact of the instrument having been forged, collateral and of a transitory nature (*o*).

1088. As to modes of expression, rendering it material that the fabrication should have been in England:—it is rendered material by using a relative or other term, confining the offence to the publication of instruments, the forgery of which has already been denounced: since the fabrication of these instruments is necessarily local, and against the uttering of these only is the statute aimed.

1089. The publication, therefore, of forged instruments made abroad, is not within the fifth of Elizabeth: since the words of the statute are "shall publish any *such* forged deed," namely, a deed, the forgery of which had already been denounced.

(*n*) Sir Edward East subjoins, "Another objection, however, which was there taken, seems to have been entitled to a different consideration from what it is stated to have received, namely, that the 18th section of the statute expressly subjects the party forging such an order to a penalty of 50*l*, which was contended to be a repeal as to such orders of the prior stat. 7 G. 2. The prisoner was notwithstanding convicted, and received judgment." This however appears to be a mistake, vide Rex *v.* Froud, infra.

(*o*) Sed vide 43 G. 3. c. 139.

1090. But the publication of forged instruments made abroad, is, it should seem, within the second of George the second: since the words of the statute are "shall publish any false deed," and not merely such, the forgery of which had already been denounced.

Secondly, of Rules which apply to certain enactments only.

8 H. 6. c. 12. s. 3.

1091. The 8 H. 6. c. 12. s. 3. (1) enacts—If any record (*p*), or parcel of the same, writ, return, panell, process, or warrant of attorney in the king's courts of Chancery, Exchequer, the one bench or the other, or in his treasury, be willingly stolen, taken away, withdrawn or avoided by any clerk or by other person, because whereof any judgment shall be reversed: that such stealer, taker away, withdrawer or avoider, their procurators, counsellors and abettors, thereof indicted, and by process thereupon made thereof duly convict, by their own confession, or by inquest to be taken of lawful men (whereof the one half shall be of the men of any court of the same courts, and the other half of others) shall be judged for felons, and shall incur the pain of felony. And that the judges of the said courts, of the one bench or of the other, have power to hear and determine such defaults before them, and thereof to make due punishment, as afore is said.

(1) Lord Coke observes, that the mischief before this statute was, that whereas records are of such high nature and credit, as they import in themselves absolute verity without contradiction, to the end that there might be an end of contention and controversie, and men might rest in safety and repose; certain clerks and other persons did oftentimes imbesell records, or some parcel of them, and sometime a writ, return, panell, process, or warrant of attorney; or rase or vitiate the same; by reason whereof divers judgments were avoided or reversed, whereby no man (as the statute saith) hath any thing in surety. This was a great misprision, for the which the offenders therein might be punished, either at the suit of the king by indictment, or at the suit of the party by an action upon his case. Which remedy and punishment were thought too weak against clerks and other persons, which (committing such things) commonly were of small ability: therefore this act, considering the danger of the offence, maketh the same felony, as by the letter thereof appeareth. 3 Inst. 70, 71.

Lord Hale, in his comment on this statute, considers first, how the law stood, in reference to its subject matters, before it passed; in pursuance of which he observes, that at the common law, the undue rasure or embezzling of a record was a great offence, for which even a judge himself was punishable by fine and imprisonment (2 R. 3. fol. 10). By the statute of Westm. 1. (viz. 3 E. 1. c. 29.) it is enacted, "that if any serjeant, pleader, or other, do any manner of deceit or collusion to the king's court, or consent to it in the deceit of the court, or to beguile the court or the party, and be therefore attaint, he shall be imprisoned for a year and a day, and from thenceforth shall not be heard to plead in that court; and if he be no pleader, he shall be imprisoned in like manner; and if the trespass requires greater punishment, it shall be at the king's pleasure." Upon this act it was that Robert de Greshope, a common attorney, was imprisoned for a year and a day, and banished the court of Common Pleas, for embezzling a part of a record. So in B. R. T. 5 E. 3. Thomas of Carleton, convict of the rasure of the word *et* in a writ, is committed to the marshal, et inhibitum est ei ne amodo deserviat in officio sive servitio vicecom.' periculo quod incumbit, and this, it seems, was upon the same act of 3 E. 1. (*q*.) If a clerk had made a misentry of record, the judge, before whom it was, might, ore tenus, rectify that misentry, though a considerable time after. In the time of Rich. 2, there happened two great complaints against the judges and clerks for the misentry of a record. Which occurrences did the next parliament following, viz. 8 R. 2. draw on the act of 8 R. 2. c. 4. against the rasing of records, and the false entering of pleas; whereby it is enacted, "that if any judge or clerk be of default (so that by the same default ensueth disherison of any of the parties) sufficiently convict before the king and his council, in that way that the king and his council shall deem reasonable, within two years after the default made, &c. he shall be punished by fine and ransom at the king's will, and satisfy the party." Thus this act settled it, and so it stood till 8 H. 6. But in this act there occurred some inconveniences. 1° The way of trial before the king and council was difficult and inconvenient. 2° The punishment as to the clerks seemed too gentle. 3° It did not meet with the inconveniences of stealing records. 4° It was found of great inconvenience to the due administration of justice; for the judges have often occasion upon their own

(*p*) To the words *if any record*, Lord Coke subjoins, "A record is regularly a monument or act judicial before a judge, or judges, in a court of record, entered in parchment in the right roll. It is called a record, for that it recordeth or beareth witness of the truth, and is derived of the verb *recordor*, whereof the poet speaketh—Si ritè audita recordor. It hath this sovereign privilege, that it is proved by no other but by itself. Monumenta (quæ nos recorda vocamus) sunt vetustatis et veritatis vestigia. And albeit the cause adjudged be particular, yet when it is entered of record, it is of great authority in law, and serves for perpetual evidence, and therefore ought to be common to all, yea, though it be against the king; as it is declared by act of parliament in anno 46 E. 3. which you may read in the preface to the third book of my reports.' 3 Inst. 71.

(*q*) The editor of Lord Hale's book observes, that it does not appear from the record, whether the judgment was grounded on statute 3 E. 1. or on the common law.

memory of the record, and sometimes upon examination, to rectify undue entries; and were required in some cases to amend the misentries, or small mistakes in records, by the statute of 14 E. 3. c. 16. and other statutes, which could not be done without rasure and alterations of the record and roll. To remedy the latter of these inconveniences, in the beginning of this very statute of 8 H. 6. c. 12, and further by the statute of 8 H. 6. c. 15. a liberal power is given to the justices to amend records; in the pursuance of which power they were by these acts of 8 H. 6. protected against the dangers and severity of the act of R. 2. And then this act proceeds to inflict punishment of felony against clerks and others, that willingly avoid records, &c. which penal law did not at all extend to judges, upon three apparent reasons: 1° Because by this very law, judges had power upon examination to amend records; 2° because the judges of the several courts are made the judges to hear and determine these offences; and 3° this clause not mentioning judges (as that of 8 R. 2. did), but beginning with clerks and other persons, judges shall not be included, who are superior officers; upon the reason given in the 2 Co. Rep. the Archbishop of Canterbury's case, and accordingly it is agreed by my lord Coke, P. C. c. 19. p. 72. 1 Hale, 645. 649.

Hawkins in the commencement of his observations upon this statute, says, at common law, the embezzling, defacing, or altering any record, without due authority, was an offence highly punishable by fine and imprisonment, &c. and in many cases it was made felony by the 8 H. 6. c. 12. 1 Hawk. P. C. c. 45. s. 1.

1092. This statute extends to judicial records only: the words being, by reason whereof any *judgment* shall be reversed. 3 Inst. 72 (1); 1 Hale, 650 (2). It extends to judicial records only.

(1) To the words, *because whereof any judgment shall be reversed*, Lord Coke subjoins: "This act extendeth only to records whereupon judgment is given. But whether judgment be given in causes criminal at the suit of the king upon an indictment, or at the suit of the party in an appeal, or in actions, real, personal or mixt, or of the like nature, this act extends thereunto, if judgment be afterwards given; and to outlawries, for there judgment is given per judicium coronatorum. For it is not material whether the act be done against the statute, either before or after judgment, so judgment be given." 3 Inst. 72.

(2) Lord Hale's words are, "It must be such an embezzling or avoiding of the record, by reason whereof a judgment is reversed; and therefore it extends only to judicial records in any of those four courts or treasuries, be the judgment in a case criminal or civil." 1 Hale, 650.

1093. But an outlawry, though it be per judicium coronatorum, is a judgment within it: since the expression is general. 3 Inst. 72 (1); 1 Hale 650 (2).

(1) Supra, pl. 1092.

(2) Lord Hale's words are, "It is held that an outlawry, though it be per judicium coronatorum, is a judgment within this statute." 1 Hale, 650.

1094. It extends to criminal as well as civil proceedings: since the word judgment applies indifferently to both, and there is nothing in the act to limit its ordinary acceptation. 3 Inst. 72 (1); 1 Hale, 650 (2). It extends to criminal proceedings.

(1) Supra, pl. 1092. (2) Supra, pl. 1092.

1095. It extends only to the courts at Westminster; namely, the courts of King's Bench, Common Pleas, Exchequer and Chancery; and not to inferior courts: those and those only being designated by it. 3 Inst. 71 (1); 1 Hale, 649 (2); 1 Hawk. P.C. c. 45. s. 3 (3). But only to courts of record at Westminster.

(1) Lord Coke, to the words *in the king's courts*, subjoins, "Here are expressly named four of the king's courts; viz. the Chancery, the Exchequer, the King's Bench, and the court of Common Pleas, and hereunto is added the king's treasury: so as this act extendeth not to any other court or place than is here named." 3 Inst. 71.

(2) Lord Hale's words are, "It extends only to the four great courts of Westminster, and not to inferior courts." 1 Hale, 649.

(3) Infra, pl. 1096.

1096. Nor to the English side of the court of Chancery: since that is no court of record, and the statute speaks of records, with their appendages, and of those only. 3 Inst. 71 (1); 1 Hale, 649 (2); 1 Hawk. P. C. c. 45. s. 3 (3).

(1) To the word *Chancery*, Lord Coke subjoins, "This must be understood of the court of Chancery, which proceedeth according to the course of the common law, as in case of privilege, of scire facias upon recognizances, traverses of offices, and the like; for as to these it is a court of record, but as to the proceeding by English bill, in course of equity, it is no court of record, for thereupon no writ of error lieth, as in the other cases." 3 Inst. 71.

(2) Lord Hale's words are, "But as to the English part of the court of Chancery, it extends not, because as to the English proceeding it is no court of record. But yet, it seems, it doth extend to those processes that issue out of that court under the great seal, though they be processes in order to the English proceeding, as subpœnas, attachments, commissions to examine witnesses, because these being under the great seal are matters of record." 1 Hale, 649.

(3) Hawkins observes, "It extends only to the courts which are expressly named; and to the court of Chancery, so far only as it proceeds according to the course of the common law." 1 Hawk. c. 45. s. 3.

1097. Processes, however, under the Great Seal, as subpœnas, attachments, commissions to examine witnesses, and so forth, though issued in order to pro-

ceedings on the English side, are within it: since, being under the Great Seal, they are matters of record. 1 Hale, 649 (1).

(1) Supra, pl. 1096.

The term "treasury," defined.

1098. The word "treasury," as used in the act, is a generical term, extending to the king's treasuries for records of the highest moment: it extends, therefore, to the records of the treasury of the King's Bench and Common Pleas; those in the receipts of the Exchequer, which are under the custody of the treasurer and chamberlains of the Exchequer; those in the Tower, and the chapel of the Rolls; and finally, to those in the custody of the clerk of the House of Lords, though not to the Journals. 3 Inst. 71 (1); 1 Hale, 650 (2).

(1) To the words, *or in his treasury*, Lord Coke subjoins, "The king's treasury is called Thesauraria regis, the place where the king's treasure is kept. This treasure is twofold, viz. his money or coin; and another that is far more precious and excellent, and those be the sacred judgments, records, and other judicial proceedings under the safe custody of the treasurer and chamberlains of the Exchequer. And this treasury is partly in the Exchequer and partly in the Tower of London; for there be antient rolls of the treasury remaining in the Tower. And therefore this act, intending to include both the one and the other, saith generally, in his treasury." 3 Inst. 72.

(2) Lord Hale's words are, "The treasury is added, which doth not only extend to the records of the treasury of the courts of King's Bench and Common Pleas, but also to the records in the receipts of the Exchequer, under the custody of the treasurer and chamberlains of the Exchequer; and also to the records in the Tower, and in the chapel of the Rolls, yea, and the records in the custody of the clerk of the Lords House in Parliament (but not to the Journals); for those are the king's treasuries of records of the highest moment." 1 Hale, 649. 650.

Rasing by order of the court.

1099. Rasing or cancelling a record, by order of the court in whose custody it is, is not within it: since the act is that of the court itself. The statute having empowered them to do the act in question, sanctions its performance in the ordinary mode, namely, by the hands of others. 1 Hale, 650. (*r*).

Lord Hale's words are, "A rasing or cancelling of a record, by the order of that court in whose custody the record is, is no felony in him that doth it, nor in the court that commands it, for the court hath a superintendance as well over the record as over the clerks." 1 Hale, 650.

Or to perfect an error.

1100. So, an erasure, or other act, perfecting an erroneous record, seems not, it is said, to be felony within it. 1 Hale, 650, 651 (*s*).

Lord Hale's words are, "But what if the offence of embezzling, avoiding or rasing, be such as goes in affirmance of the judgment, and makes it good, which otherwise were reversible, if it stood as before that offence committed? Though this, in some cases, be punishable by the court as a midemeanor in the clerk, yet it seems not felony within this act. And the common practice at this day is, if the venire facias or distringas be erroneous, and would make the judgments erroneous if filed, but being not filed, is aided by the statute of 18 Eliz. c. 14. the court never compels the clerk to file such writs after verdict, much less punishes them for not doing it. But if A. B. be served by the original to the exigent and outlawed, and afterwards the exigent is made C. B. and the original is also made C. B. to make all agree, this is felony as well in the clerk that raseth the original, as him that raseth the exigent (2 R. 3. 10.) 1 Hale, 651.

1101. Though, in some cases, it is punishable as a misdemeanor. 1 Hale, 651.

Supra, pl. 1100.

1102. And where the record is made erroneous by a felonious rasing, a subsequent amendment to make all agree is within it, the same as the first erasure. 2 R. 3. 10; 1 Hale, 651.

Supra, pl. 1100.

1103. Hence if A. B. be sued by the original to the exigent and outlawed, and afterwards the exigent is made C. B. and the original is made C. B. likewise, to make all agree, this is felony as well in the clerk that raseth the original as in him that raseth the exigent. 2 R. 3. 10; 1 Hale, 651 (1); 1 Hawk. c. 45. s. 5 (2).

(1) Supra, pl. 1100.

(2) Hawkins observes,—It has been holden that if A. B. be outlawed by the name of A. C. and afterwards the record be rased, and A. B. inserted, the offence is within the statute, because the record against A. C. is annulled, and the judgment prevented, which might have been given on a suit of error for this defect. 1 Hawk. c. 45. s. 5.

(*r*) Quære, how would the case be with the third party, if the motive of the court was proved to have been corrupt, and the clerk in concert with them?

(*s*) The reason may be, that the essential circumstance of the crime, by reason whereof the judgment shall be reversible, is wanting. But is not the amendment itself, being done without authority, a ground of avoidance? And if it be replied, that nothing can be an avoidance of what is already voidable, it may be answered, that this reasoning would exclude from the operation of the act, the case of feloniously rasing a record already avoided by a felonious erasure, and which case is held to be within it. Supra. Possibly Lord Hale's meaning is, that the presumptions are against a felonious intent.

1104. An avoidance before judgment is within the act, the same as an avoidance after judgment: since the essential circumstance of the crime, by reason whereof a judgment shall be reversed, is equally a consequence of the former, and therefore within the words of the act, as within the reason. 3 Inst. 72 (1); 1 Hale, 650 (2). Avoidance before judgment.

(1) Supra, pl. 1092.

(2) Lord Hale's words are, "It must be such an embezzling or avoiding of the record, by reason whereof a judgment is reversed; and therefore it is equally an offence against this statute, whether the avoiding, &c. be after judgment given or before, in case judgment be given after the offence."

1105. But to bring an avoidance before judgment within the act, it is necessary that a judgment should afterwards have been pronounced: since otherwise the essential circumstance of the crime, by reason whereof a judgment shall be reversed, will be wanting. 1 Hale, 650.

Supra, pl. 1104.

1106. The 5 Eliz. c. 14. (*t*), reciting, by its 1st section, that "forasmuch as the wicked, pernicious, and dangerous practice of making, forging and publishing false and untrue charters, evidences, deeds and writings, hath of late time been very much more practised, used, and put in use in all parts of this realm than in times passed, not only to the high displeasure of God, but also to the great injury, wrong, hurt, damage, disherison, and utter undoing of divers the queen's majesty's subjects of this realm, and to the great subversion of justice and truth, which seemeth to have grown and happened chiefly by reason that the pains and punishments limited for such great and notable offences, by the laws and statutes of the realm, before this time have been and yet are so small, mild and easy, that such evil people have not been nor yet are afraid to enterprise the practising and doing of such offences:" enacts, 5 Eliz. c. 14, s. 1.

1107. By section 2. that if any person or persons whatsoever, upon his or their own head and imagination, or by false conspiracy and fraud with others, shall wittingly, subtilly and falsely forge or make, or subtilly cause or wittingly assent to be forged or made, any false deed, charter or writing sealed, court-roll, or the will of any person or persons in writing, to the intent that the state of freehold or inheritance of any person or persons of, in or to any lands, tenements or hereditaments, freehold or copyhold, or the right, title or interest (*u*) of any person or persons of, in or to the same, or any of them, shall or may be molested, troubled, defeated, recovered or charged; or shall pronounce, publish or shew forth in evidence (*x*) any such false and forged deed, charter, writing, court-roll or will as true, knowing the same to be false and forged as is aforesaid, to the intent above remembered, and shall be thereof convicted, either upon action or actions of forger of false deeds, to be founded upon this statute, at the suit of the party grieved, or otherwise according to the order and due course of the laws of this realm, or upon bill or information to be exhibited into the court of the Star Chamber, according to the order and use of that court, shall pay unto the party grieved his double costs and damages, to be found or assessed in that court where such conviction shall be, and also shall be set upon the pillory in s. 2.

(*t*) Sir Edward East observes, that this statute of Elizabeth has now nearly fallen into disuse, since the passing of the stat. 2 G. 2. c. 25. which extends to all deeds and wills, upon which the prosecution is easier, and the punishment capital in the first instance. There are, besides, several particular statutes adapted and confined to the forgery of the like instruments, in the names of particular persons or coporations. East P. C. c. 19. s. 33.

(*u*) To the words, *or the right, title, or interest of any person or persons in or to the same*, Lord Coke subjoins, "These words were added, for that the statute of 1 H. 5. being to undoe and trouble the possession *and* title (in the conjunctive) of the said king's liege people; doubt was made, whether a forgery to bar one that had but a bare right or title, and no possession, was within that statute; and therefore this clause of 5 Eliz. added this clause in the disjunctive, as here it appeareth. But now by a special branch of this act (section eleven) the statute of 1 H. 5. c. 3. being doubtfully penned, is repealed by a clause (section eleven) in this act, and greater punishment inflicted by this statute." 3 Inst. 170.

(*x*) To the words, *or shall pronounce, publish, or shew forth in evidence any such false and forged deed, &c. as true, knowing the same to be forged*, Lord Coke subjoins, "To pronounce or publish is, when one by words or writing pronounceth or publisheth the deed, &c. to any other as true." 3 Inst. 170.

some open market-town, or other open place, and there to have both his ears cut off, and also his nostrils to be slit and cut, and seared with a hot iron, so as they may remain for a perpetual note or mark of his falsehood, and shall forfeit to the queen our sovereign lady, her heirs and successors, the whole issues and profits of his lands and tenements during his life, and also shall suffer and have perpetual imprisonment during his life; the said damages and costs to be recovered at the suit of the party grieved as is aforesaid, to be first paid and levied of the goods and chattels of the offender, and of the issues and profits of the said lands, tenements and hereditaments of such party convicted, or of one or both of them; the said title of our said sovereign lady the queen, her heirs or successors, to the same notwithstanding.

s. 3. 1108. By section 3. that if any person or persons, upon his or their own head or imagination, or by false conspiration or fraud had with any other, shall wittingly, subtilly and falsely forge or make, or wittingly, subtilly and falsely cause or assent to be made and forged, any false charter, deed or writing, to the intent that any person or persons shall or may have or claim any estate or interest for term of years, of, in or to any manors, lands, tenements or hereditaments, not being copyhold, or any annuity in fee simple, fee tail, or for term of life, lives or years; or shall as is aforesaid forge, make, or cause or assent to be made or forged, any obligation or bill obligatory, or any acquittance, release or other discharge of any debt, accompt, action, suit, demand, or other things personal; or if any person or persons shall pronounce, publish or give in evidence any such false and forged charter, deed, writing, obligation, bill obligatory, acquittance, release or discharge, as true, knowing the same to be false and forged, and shall be thereof convicted by any of the ways or means aforesaid; that then he shall pay unto the party grieved his double costs and damages (*y*), to be found and assessed in such court where the said conviction shall be had (*z*), and shall be also set upon the pillory in some open market-town or other open place, and there to have one of his ears cut off, and shall also have and suffer imprisonment by the space of one whole year, without bail or mainprize.

s. 4. 1109. By section 4. that the party and parties grieved by reason of any the offences aforesaid, shall and may, at his and their pleasure, have and sue his action of forger of false deeds upon this statute, against any the offenders in the same, by original writ out of the queen's highness court of Chancery, and shall and may have like process upon the same as in cases of trespass at the common law; or may at his pleasure take his suit against any such offenders in any the premises by bill before the queen's highness, her heirs and successors, in her court commonly called the King's Bench, or in the court of the Exchequer; in which suits no essoin, injunction or protection shall be allowed for the party defendant.

s. 5. 1110. By section 5. that if the party defendant shall be convicted for any the offences aforesaid, according to the order and form above limited, and shall have received thereupon punishment corporal according to this act, that then he shall not eftsoons be impeached for the same offence.

(*y*) To the words, *shall pay to the party grieved his double damages*, Lord Coke subjoins, "Upon these words in the case aforesaid, between Hinde and Grevill, the question was, whether Hinde should have double damages in respect of the penalty, viz. the two hundred pounds, or of the hundred pounds, the due debt appearing in the condition of the recognizance; and it was resolved, that damages should be assessed by the court to double the penalty, for the penalty should be recovered by law if the forged release had not been: and this was reported by the Lord Dier, and imprinted, and since omitted out of the print." 3 Inst. 172. citing Hinde v. Grevill, Cam. Stell. Mich. 13 & 14 Eliz.

(*z*) In Taverner's case, (in the Star Chamber) the report states, "and for the execution of double costs and damages recovered by the taxation of the court, it was doubted what manner and form of process should be made. And after a conference thereupon had between all the justices of both benches, and the chief baron, it was resolved, that an English writ should be made, and directed to the sheriff of Nor. reciting the conviction and the statute, for the livery of the said costs and damages of the goods, chattels and profits of the lands of Taverner, and to bring the money into the Star Chamber, the writ to be sealed with the great seal, and the teste or witness, *the queen*, as is usual in similar writs in the Chancery." Taverner's case, Dyer, 322. Cam. Stell. East. 15 Eliz.

1111. By section 6. that although the party or parties plaintiff in any such action or bill to be sued as is aforesaid, shall, after verdict passed against the defendant or defendants, happen to release or discharge the judgment or execution upon the same, or otherwise suffer the same to be discontinued; that yet, nevertheless, the same release, discharge or discontinuance shall extend only to discharge such costs and damages as the same plaintiff should have had against the defendant; and that the judges before whom the said action or suit shall be taken, shall and may proceed to judgment of and upon the residue of the said penalties and forfeitures, and to command execution upon the same; the said release, discontinuance or other discharge had, made, done or suffered by the party plaintiff, in any wise notwithstanding; this act or any thing therein contained to the contrary in any wise notwithstanding (*a*). s. 6.

1112. By section 7. that if any person or persons being hereafter convicted or condemned of any the offences aforesaid, by any the ways or means above limited, shall, after any such his or their conviction or condemnation, eftsoons commit or perpetrate any of the said offences in form aforesaid, that then every such second offence or offences shall be adjudged felony; and the parties being thereof convicted or attainted according to the laws of this realm, shall suffer such pains of death, loss and forfeiture of their goods, chattels, lands and tenements, as in cases of felony by the common laws of this realm ought to be lost or forfeited, without having any advantage or benefit of clergy or sanctuary; saving to every person and persons, bodies politick and corporate, their heirs and successors, other than the said offenders, and such as claim to their uses, all such rights, titles, interests, possessions, liberties of distresses, leases, rents, reversions, offices, and other profits and advantages, which they or any of them shall have at the time of such conviction or attainder, of, in or to any the lands, tenements or hereditaments of any such person so as is aforesaid convicted or attainted, or at any time before, in as large and as ample manner, to all intents and purposes, as if this act had never been had ne made. s. 7.

1113. By section 8. providing and enacting, that any such conviction or attainder of felony as is aforesaid, or any forfeiture by reason of the same, shall not in any wise extend to take away the dower of the wife of any such person attainted, nor to the corruption of blood, or disherison of any the heir or heirs of any such person or persons so attainted; this act, or any thing therein contained, or any other statute, law, usage, custom, or thing heretofore used, to the contrary in any wise notwithstanding. s. 8.

1114. By section 9. providing and enacting, that this act or any thing therein contained shall not extend to charge any ordinary or any their commissaries, officials, registers, or any other their officers or ministers, with any the offences s. 9.

(*a*) Lord Coke observes, "And there is a clause that the plaintiff should not release nor discontinue the punishment, &c. but only costs and damages; and yet it was resolved that the queen might pardon the corporal punishment which trencheth to common example. (Taverner's case, Dyer, 322. Cam. Stell. East. 15 Eliz.) And upon the statute of Westminster the second, c. 25. which giveth two years imprisonment in the ravishment of ward, the king may pardon the said corporal punishment of imprisonment. And the punishment of finding of surety, and forjuring the realm, &c. upon the statute of West. 2. c. 28. de malefactoribus in parcis, may be pardoned by the king." 3 Inst. 171.

The report in Dyer is thus, "After this communication and judgment in the Star Chamber, (vide infra, the former part of this case) the queen pardoned the execution of the corporal punishment; whether that be good without obtaining the release of the party also. Quere the intent of the statute of the fifth year of the now queen, c. 14. Note, the preamble strongly penned to increase the punishment of forgery: Also the body of the act, scil. that the party grieved shall recover double costs and damages, and that the offender shall suffer upon the pillory the corporal penance, &c. and also shall forfeit to the queen the profits of his lands, but the plaintiff to be first satisfied, &c.: Also, if the offender hath once suffered the corporal punishment, he shall not eftsoons be impeached, &c.: Also, if the offender be convicted, the plaintiff cannot release or discontinue the punishment, &c. but only costs and damages. And afterwards, scil. in the next Michaelmas term, it was holden by Wray, chief justice, Saunders, chief baron, Harper and Manwood, justices, besides Bartham and Gerrarde, attornies, that the queen may pardon the corporal penance, which trenches to the common example, &c. But Dyer, Southcote and Mounson, contra." Taverner's case, Dyer, 322. Cam. Stell. Easter, 15 Eliz.

aforesaid, for putting their seal of office to any will to be exhibited unto them, not knowing the same to be false or forged, or for writing of the said will or probate of the same; this act, or any thing therein contained, to the contrary notwithstanding.

s. 10. 1115. By section 10. enacting, that all and every justices of oyer and determiner, and justices of assize in their circuits, and every of them, shall have full power and authority, in every of their open and general sessions, to inquire hear and determine of all and every the offences aforesaid, committed or done within the limits of their commission, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

s. 11. 1116. By section 11. enacting, that all other statutes heretofore made and provided for forgery of false deeds, charters, muniments or writings, and all and every penalty appointed by the same, shall be void and of none effect in the law; any such statute, or thing therein contained, to the contrary in any wise notwithstanding.

s. 12. 1117. By section 12. providing, that this act, or any thing therein contained, shall not extend or be hurtful in any wise to any proctor, advocate or register of any ecclesiastical court within this realm, for the writing, setting forth or pleading of any proxy made according to the ecclesiastical laws or customs heretofore used and allowed by the ecclesiastical courts of this realm, for the appearance of any person or persons being cited to appear in any of the said courts ecclesiastical, nor to any archdeacon or official, for putting their authentick seal to the said proxy or proxies, neither yet to any judge ecclesiastical for admitting of the same: but that they and every of them may hereafter do in all points concerning the same, as they and every of them might lawfully have done before the making of this act; any thing in this act to the contrary in any wise notwithstanding.

ss. 13. 14. 1118. Sections 13 (*b*) & 14. relate to forgeries and utterings done before the act or shortly after.

s. 15. 1119. Section 15. providing and enacting that this act, nor any pain, forfeiture or thing therein contained, shall not extend to any attorney, lawyer or counsellor, that shall for his client plead, shew forth, or give in evidence any false and forged deed, charter, will, court roll, or other writing, for true or good, being not party or privy to the forging of the same, for the pleading, shewing forth, or giving in evidence of the same; any thing in this act to the contrary notwithstanding.

s. 16. 1120. Section 16. providing and enacting that this act, or any thing therein contained, shall not extend to any person or persons that shall plead or shew forth any deed or writing exemplified under the great seal of England, or under the seal of any other authentic court of this realm; nor shall extend to any judge or justice, or other person, that shall cause any seal of any court to be set to any such deed, charter or writing enrolled, not knowing the same to be false or forged (*c*); any thing in this act to the contrary notwithstanding.

(*b*) To this section Lord Coke subjoins, "Hanford before this statute forged a lease for years of the land of the Lord Williams of Tame, which lease after by Weynman (which hath married one of the daughters and heirs of the said Lord Williams) was impeached, but not as forged, and by composition for two hundred pound was redeemed by Weynman, and the lease was cancelled. And after, Weynman, perceiving the lease to be forged, sued Hanford in the Chancery to have restitution of the two hundred pound, and there Hanford after this statute of 5 Eliz. maintained the lease as good and true: whereupon Weynman sued Hanford in the Star Chamber, where, by the opinion of the chief justices, it was holden that it was not within this statute, because that the deed was cancelled, and Hanford made no title to the interest of the term." 3 Inst. 172, 173.

(*c*) To this clause Lord Coke subjoins, "This must be intended of a deed or writing which by law may be exemplified; for the knowledge whereof we will report a resolution of the whole court of the Common Pleas. The issue between the said parties to be tried at the bar was, whether the last abbot of Abbingdon, and

Second Section: Charter.

1121. The word "charter," in the second section, means such as is under seal: since this is its import at common law, by the rules of which are statutes to be interpreted: or, again, the word "sealed" may be taken as designating the quality, not of the simple subject only to which it is immediately subjoined, but of those, likewise, enumerated before: or lastly, the term "writing sealed" may be taken as used pro majori cautelâ, to include those, if any such there be, which are not within the enumerated classes. 3 Inst. 169 (1). Rex *v.* Marriot, 2 Show. 5; 2 Lev. 221 (2).

(1) "It is required, that the deed, charter, or writing must be sealed; that is, have some impression upon the wax, for sigillum est cera impressa, quia cera sine impressione non est sigillum; and no deed, charter, or writing can have the force of a deed without a seal." 3 Inst. 169.

(2) On an indictment for forgery, an exception, upon a writ of error, was taken, that it ought to be a deed sealed, and here it is only scriptum, whereas the statute requires it should be a deed sealed; and this was Newton's case in this court, where such indictment was quashed, because not said sigillat.' Sed non allocatur, because in this case when the deed is recited, 'tis concluded with datum et sigillat. such a day and year, though before it is only said quoddam script. Rex *v.* Marriot, 2 Show. 5; 2 Lev. 221; B. R. East. 30 Car. 2.

Writing sealed.

1122. It seems that the expression, "writing sealed," imports a writing the seal upon which gives it a definitive operation: since such writings only are recognized by the common law as under seal, and expressions in acts of parliament are to receive the common-law interpretation.

1123. The false customary of a manor purporting to be drawn up by consent of all the tenants, and to be sealed by some of them, is a "writing sealed" within the second section. 3 Inst. 169 (1); Taverner's case, Dy. 322 (2); 1 Hale, 684 (3); 1 Hawk. P. C. c. 70, s. 17 (4).

(1) "These words, *writing sealed*, are large words: for the making of a false customary of a manor in writing under seal, containing divers false customs tending to the disherison of the lord of the manor, and that the same had been allowed and permitted by the lords of the manor, &c. which was also false, was resolved to be within these words—*a false writing sealed.*" 3 Inst. 169.

(2) James Taverner, being a copyholder to the Lord Crumwell, of his manor of Northeltham in the county of Nor. made a customary in Latin of the said manor on parchment, with eleven labels and seals of his own and other tenants of the manor, inserting therein divers customs, very false, tending openly to the disherison of the lord, and pretending by the title of the said customary, to be collected, renewed, and set forth by the consent of all the freeholders and copyholders of the manor, being in number 100 at least, and allowed and permitted by the lord of the manor: and in the conclusion, "in witness whereof the eleven (whose names were subscribed) have put their seals the day and year aforesaid." But no day or year appeared in the title, and no consent of all the tenants, or allowance of the lord, in fact, had. And the seals were very strange, for to each seal there was a large square seal, engraven about Northeltham, and the particular seal less, within that; by which, as it seems, the intent was to prove the affirmance of the lord with the consent of all the tenants, &c. And this was proved in Taverner to be done wittingly, subtilly and falsely, and to the intent, &c. Whether this be a forgery punishable by the statute of 5 Eliz. (this act being committed in the ninth of Eliz.) was doubted, and referred by the lords to the consideration of all the judges; whose opinions, for the major part, were reported by the two chief justices, that it was a forgery or falsifying, punishable by the open and shameful penance contained in the statute; which expressly speaks of a *writing sealed*, as this was, and *to the intent to benefit themselves*, and *to disinherit the lord.* Taverner's case, Dyer, 322 b. Cam. Stell. East. 15 Eliz..

(3) Lord Hale states the principle of Taverner's case to be,—that the forging of a false customary of a manor put under seal, whereby the interest of the lord *is* molested, is a writing under seal within the 5 Eliz. c. 14. 1 Hale, 684.

(4) Hawkins states the principle of Taverner's case to be,—that a false customary of a copyhold manor, made in parchment under the seals of several tenants of the manor, and containing in its divers false customs, apparently *tending* to the disherison of the lord, and falsely pretending by its title to be set forth by the consent of all the tenants and allowance of the lord, is within the first branch of forgery mentioned in the 5 Eliz. c. 14. as being a sealed writing made *to the intent* to molest the inheritance of the lord. 1 Hawk. P. C. c. 70. s. 17.

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and all his predecessors, &c. hold certain lands in the parish of Saint Ellen's, &c. discharged of the payment of tithes; and the plaintiff offered to shew in evidence, to prove the said land to be discharged of payment of tithes, a vidimus, or innotescimus under the great seal, in these words: Vidimus quendam antiquum librum in pergameno intitulatum volumen de copiis munimentorum seu diversorum gestorum, et actorum monasterii de Abbingdon. In which book was a copy of a bull of the pope, for the discharge of the said land for payment of tithes, which was but part (amongst other things) of the said book. And by the opinion of the whole court, hearing of the counsel of both parties, it was resolved that the said exemplification ought not to be given in evidence to the jury for these causes: first, because that which was exemplified was not of record; for neither deed, charter, or other writing, either sealed or without seal, ought to be exemplified under the great seal, or any other seal in court of record, for seals of courts of record ought not to exemplify any thing but that which is of record, because records be public, whereunto every

Court-roll—Will.

1124. The words "court roll" and "will" in the second section, mean such as need not be under seal: since this is their import at common law, by the rules of which are statutes to be interpreted: and again, the statute having in general terms embraced the whole class of sealed writings, must, by a subsequent enumeration of particulars, naturally mean something different. 3 Inst. 169.

To the words, *court roll, or the will of any person or persons in writing*, Lord Coke subjoins—Here be two kinds of muniments that need not be sealed, because they may take effect without any seal, for that they be deeds; as court rolls concerning grants, surrenders, admittances, &c. of copy or customary lands: and the last will in writing. 3 Inst. 169.

Whether the subject-matter is material.

1125. The second section expressly defines the intention with which an instrument, to fall within it, must be made, but not its subject-matter. Whether, therefore, every instrument (of the enumerated class), whatever its subject, be within this section, or those instruments only which are fitted to accomplish the intent denounced, altogether depends upon the question—whether the tendency of the instrument is an essential quality?

Assignment of a lease in esse.

1126. If, therefore, the tendency of the instrument is an essential quality, forging the assignment of a lease in esse, is not, it seems, within the second section: since the statute will then have confined its operation to instruments of a certain tendency, in which tendency the assignment supposed is deficient. Vide Markham's case, Noy, 42 (1); 1 Hale, 684 (2); 3 Inst. 170 (3); 1 Hawk. c. 70. s. 18 (4).

(1) J. S. was convicted in the Star Chamber, upon the 5 Eliz. for forging the grant of a rent-charge, issuing out of divers houses of Sir Thomas Gresham in London, for one hundred years; and thereupon had his ears cut off, and his nostrils clipt. And afterwards he forged a deed of feoffment to B. and C. to certain uses; and was now arraign'd as felon for that and hang'd, being found guilty of the second forgery by the jury. And Cook said, that it was agreed by the justices, upon the first conviction in the Star Chamber, that forgery of a rent-charge, or of a lease for years, is within the statute; but forgery of an assignment of a rent-charge in esse, or of a lease for years, is not within the statute, for that does not charge the inheritance of any." Markham's case, Noy, 42.

(2) Lord Hale states the rule thus, "If the deed or will forged purport only a lease for years, whereby the freehold is charged, or of a rent-charge for years, it is within the first branch of the 5 Eliz. c. 14.:" and that "if A. makes a lease for years to B. a forging of an assignment of that lease from B. to C. is a forging of a deed within the second clause." 3 Inst. 1. c. 75, (infra) against the opinion in Noy's Rep. in Markham's case. 1 Hale, 684.

(3) To the words, *to the intent that the state of freehold or inheritance of or in any lands, tenements or hereditaments, freehold or copyhold, shall or may be molested, troubled, defeated, recovered or charged*, subjoins, "The great doubt upon this branch, and of the branch hereafter ensuing, was, for that it is not expressed by this act what estate or interest should be mentioned to pass by the deed, charter, &c. whereby the estate of the freehold or inheritance should or might be molested, &c. or charged; whether if one did forge, &c. a deed, charter, &c. of an interest or term of a hundred or a thousand

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subject may have recourse to confer the exemplification with the record itself, and records be in the custody of sworn officers, and therefore no inconvenience can follow upon the exemplification of them. But a deed, charter, and other writings, are private, and remain in the custody of the party, and may be rased, interlined, or corrupted in points material, and if they should be exemplified, the rasure, interlineation, and corruption, shall not appear therein. Also the deed, charter, or other writing, may be forged, and if they should be exemplified, then the exemplification might ever be shewed in evidence, and not the deed, &c. itself, and so the forgery and falsity should never upon the view of the deed, or of the seal, or other things rising upon the view, be discovered. Moreover, if a forged deed should be exemplified, then the effect of this statute concerning publication should be taken away; for then the forged deed, &c. itself might never be published, or given in evidence, but the exemplification, and so this statute in that point deluded; and therefore where this statute, or any other statute or book, speaks of an exemplification, vidimus, or innotescimus of a deed, &c. it must be intended of a deed inrolled, viz. the exemplification, vidimus, or innotescimus of the inrolment thereof, which is of record. It was further resolved, that no record, or inrolment of any record, may be exemplified under the great seal, but of a record of the court of Chancery, or other record duly removed thither by certiorari, &c. Furthermore, it was resolved, that no exemplification ought to be of any part of a letters patent, or of any other record, or of the inrolment thereof, but the whole record or the inrolment thereof ought to be exemplified, so that the whole truth may appear, and not such part as makes for the one party, and nothing that make against him, or that manifesteth the truth. Lastly, in the case at the bar, the said book was intituled, Volumen de copiis munimentorum, et diversorum gestorum. So as seeing the bull itself (being no matter of record) could not be exemplified, à fortiori, no exemplification could be had of the copy of the same. And if bulls, &c. might be exemplified, then there might be an evasion to make the statute of 28 H. 8. c. 16. of small force, which prohibiteth pleading or alleging of bulls, &c. under pain of a præmunire, as by that act appeareth." 3 Inst. 173, 174, citing the case as Read *v.* Hide and another, C. B. Mich. 10 Jac. 1. in a prohibition.

years, &c. of lands, which are the freehold or inheritance of another, whereby the same shall or may be molested, &c. And the same question of a rent-charge for years in the like case; and the doubt was the greater in respect of the clause hereafter ensuing, which is, To the intent that any person or persons shall or may have or claim any estate or interest for term of years of, in or to any manors, &c. And it was resolved, that a lease or charge for years of any lands, being the freehold or inheritance of any person, was within this branch, for the clause is general, not mentioning any estate or interest, &c. whereby the molestation, &c. should grow: and it was requisite it should extend to leases or charges for years, for otherwise mens estates of freehold or inheritance, &c. might be of little or no value: and accordingly it was resolved, East. 38 Eliz. in the Star Chamber, between the Lady Gresham, plaintiff, and Roger Booth, scrivener of London, Markham and others, defendants, for the forging of a grant of a rent-charge, by deed bearing date anno 21 Eliz. for ninety-nine years, to the said Markham, out of all Sir Thomas Gresham's lands of inheritance, and for publication thereof; and sentence given upon the said branch accordingly, against Roger Booth, for publication of the same. And the said branch after ensuing is to be understood when the forgery, &c. is to the molestation of a termor: As if A. be possessed of a lease of lands for years, and B. in his name, doth forge an assignment to C. of his term; this is directly within the letter and meaning of this branch, and the rather in respect of those things that be joined therewith, under the same punishment." 3 Inst. 170.

(4) Hawkins (referring to 3 Inst. and Noy, ubi supra) states the rule to be,—that the forgery of a lease for years, or of a grant of a rent-charge for years, in the name of one who is seised of a freehold or inheritance, is within the first branch of the 5 Eliz. c. 14: because the said branch is penned in general words, extending to any molestation whatsoever of such estate, without mentioning any estate or interest in the claim whereof such molestation shall consist; and from this ground it follows, that those words in the second branch of forgery mentioned in the statute, "to the intent that any person shall claim any estate or interest for term of years," &c. are meant only of such forgeries which relate to such an estate or interest in esse before. 1 Hawk. c. 70. s. 18.

1127. If, on the other hand, the tendency of the instrument is not an essential quality, forging, with the intent denounced, the assignment of a lease in esse is, it should seem, within the second section; since the statute will then have made the intention with which an instrument is forged, the only essential quality. Vide Markham's case, Noy, 42 (1); 1 Hale, 684 (2); 3 Inst. 170 (3).

(1) Supra, pl. 1126. (2) Supra, pl. 1126. (3) Supra, pl. 1126.

Nature of the interest to be prejudiced.

1128. Under the second section, the forgery must be with intent to prejudice some interest not less than a freehold; since the intent with which it is done is made an essential circumstance of the crime, and especially limited as just described. 3 Inst. 170. 172 (1); Markham's case, Noy, 42 (2); 1 Hale, 684 (3); 1 Hawk. P. C. c. 70. s. 18 (4).

(1) Supra, pl. 1126. (2) Supra, pl. 1126. (3) Supra, pl. 1126. (4) Supra, pl. 1126.

1129. But whether such interest be in possession or not is immaterial, since the words of the statute comprehend both. Vide 1 Hawk. c. 70. s. 18.

Supra, pl. 1126.

Whether the mode in which the prejudice is to result, is material.

1130. Under the second section, the mode in which the forgery is to prejudice is immaterial; since as the act generally, and not any particular mode of operation, is denounced, all modes are included; if, too, an injurious tendency is not essential to the crime, then since the end is unimportant, the means are equally so. 1 Hawk. c. 70. s. 18.

Supra, pl. 1126.

Forging a term.

1131. It is immaterial, therefore, that the forgery be of a term for years only, and not of the freehold itself. 3 Inst. 170 (1); Markham's case, Noy, 42 (2); 1 Hale, 684 (3); 1 Hawk. P. C. c. 70. s. 18 (4).

(1) Supra, pl. 1126. (2) Supra, pl. 1126. (3) Supra, pl. 1126. (4) Supra, pl. 1126.

Or rent-charge.

1132. Or of a rent-charge only. 3 Inst. 170 (1); Markham's case, Noy, 42 (2); Hale, 684 (3); 1 Hawk. P. C. c. 70. s. 18 (4).

(1) Supra, pl. 1126. (2) Supra, pl. 1126. (3) Supra, pl. 1126. (4) Supra pl. 1126.

Third Section: Charter.

1133. The word "charter," in the third section, means, it should seem, such as is under seal: since this is its import at common law, by the rules of which are statutes to be interpreted. 3 Inst. 171.

To the words, *any false charter or deed*, Lord Coke subjoins, "This must be intended to be sealed according to the former clause, though it be not here specified." 3 Inst. 171.

Writing.

1134. The word "writing," in the third section, comprehends, it should seem, simple writings of every class, and possibly those under seal, if any such there be, which are not within the enumerated classes: since the term in itself is sufficiently comprehensive to embrace them all, and is not limited by the context.

Will.

1135. A will is specially named in the second section, but not in the third; yet is it, when written, an instrument within the third section: since the general term "any writing" includes it. As simple writings of a certain class only were aimed at by the second section, it was necessary to be particular; but otherwise with respect to the third, since all were to be included. 3 Inst. 171 (1); 1 Hale, 685 (2); 1 Hawk. P. C. c. 70. s. 19 (3); Dyer, 302 (4).

(1) Lord Coke, to the words *or writing*, subjoins, "This extends to a testament in writing, whereby a term for years, or goods and chattels, be devised; and the former branch extendeth to a will in writing, concerning freehold and inheritance." 3 Inst. 171.

(2) Lord Hale's words are, "A will in writing concerning goods only, is within this clause." 1 Hale, 685.

(3) Hawkins (referring to Dyer, ubi supra) observes, that the forgery of a will in writing of one possessed of such an estate, mentioning a bequest thereof, is within the second branch of the 5 Eliz. c. 14. as being a false writing, made to the intent that some person may claim an estate for years; notwithstanding the said branch makes no express mention of a will, as the first doth. 1 Hawk. c. 70. s. 19.

(4) Forgery of a will, whereby any lease for years is conveyed, &c. shall be punished by this word *writing* only, yet no mention is made of any testament; but of a will concerning freehold or inheritance, mention is made in the statute. Dyer, 302. b.

Whether the subject-matter is material.

1136. The first branch of the third section expressly defines the intention with which an instrument, to fall within it, must be made, but not its subject-matter. Whether, therefore, every instrument (of the enumerated classes), whatever its subject, be within this section, or those instruments only which are fitted to accomplish the intent denounced, altogether depends upon the question—whether the tendency of the instrument is an essential quality?

Will concerning goods.

1137. If, therefore, the tendency of the instrument is an essential quality, a will concerning goods only is not within the third section: since the statute will then have confined its operation to writings of a certain tendency, in which tendency the will supposed is deficient.

1138. If, on the other hand, the tendency of the instrument is not an essential quality, a will concerning goods only, made with the intent denounced, is within the third section: since the statute will then have made the intention with which an instrument is forged, the only essential quality (*d*).

Assignment of a lease in esse.

1139. But whether the tendency be material or immaterial, forging the assignment of a lease in esse is within the third section: since, taking the statute as it is now recognized to apply to existing interests, the case is plainly within its terms. 3 Inst. 170 (1); 1 Hale, 684 (2).

(1) Supra, pl. 1126. (2) Supra, pl. 1126.

1140. And a decision to the contrary, founded in this,—because the assignment doth not charge the land, but only transfers an interest which was in being before, falls, with its principle, to the ground. Markham's case, Noy, 42 (1); 3 Inst. 170 (2).

(1) Supra pl. 1126. (2) Supra, pl. 1126.

Or of lands in Ireland.

1141. But an assignment made here of a lease of lands in Ireland, is said not to be within this statute. 1 Hale, 684 (1); 1 Hawk. P. C. c. 70. s. 20 (2); Newman *v.* Shyriffe, 3 Leon. 170 (3).

(1) Lord Hale's words are, "but an assignment made here of a term for years of land in Ireland, is said not to be, within this statute, but punishable as a misdemeanor at common law." 29 Eliz. Newman's case, Hughes, 3 Part, N. 221. 1 Hale, 684.

(2) Hawkins, (referring to 3 Leon. ubi supra,) observes, "that the forgery of a lease of lands in Ireland is not within either of the branches of the statute." 1 Hawk. c. 70. s. 20.

(3) The Lady Newman, sister of James Wingfield, lately deceased, exhibited a bill of complaint in

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(*d*) Lord Coke, (supra, pl. 1135) and, after him, Lord Hale, (supra, pl. 1135) lays down the rule, that a will in writing concerning goods only, is within the third section. In this conclusion, however, his lordship does not appear to have been influenced by the discriminating principle in the text, since the editor of Lord Hale's book subjoins, "This seems to be grounded on a mistake of Lord Coke, who, in his comment on this statute, supposes the word *writing* to be inserted in the latter part of this clause, after the words *any obligation or bill obligatory*; whereas it is not so, for the statute makes no mention of *writings*, but only with respect to an interest in lands or annuities, and consequently does not extend to a will of goods only; and so was the case cited by Lord Coke in Dyer, 302. b. which was of a will of a lease for years, and not of personal goods only."

Sir Edward East observes, "I cannot reconcile with the words of the statute what is said by Lord Coke and Lord Hale, that a will in writing, concerning goods only, is within the second branch; and the passage in Dyer, referred to by Lord Coke, does not support the position." East P. C. c. 19. s. 33.

the Star Chamber against one Shyriffe, dwelling in Ireland, and two others; setting forth that the said Shyriffe had forged a deed, purporting that the said James had by the same given to him all his goods; and also, that the said James had assigned to the said Shyriffe a lease for years of lands in Ireland: and also, that the said Shyriffe had procured the said two other defendants to depose upon their oath before the town clerk of London, that the said deed was sealed and delivered by the said James as his deed. It was moved by the counsel of the defendants, that these matters of forgery are not within the statute of 5 Eliz.; nor also the perjury, or the procurement of it. Thereupon, the lords of the council referred the consideration of the said statute to both the chief justices, who, the next court day, declared their opinions upon the said matters; 1° that the said statute did not extend to forgery of a deed conveying a gift of chattels personal: which see by the statute; which, as to that point, extends but to obligations, bills obligatory, acquittance, release, or other discharge. And also a deed of an assignment of a lease of land in Ireland, is not within the said statute. But because the bill in the perclose and conclusion of it, was 'contrary to the laws and statutes of this realm,' the said chief justices were of opinion, that the said court might punish those offences as misdemeanors at the common law, but not according to the statute." Newman v. Shyriffe, 3 Leon. 170; Cam. Stel. Mich. 29 Eliz.

1142. It is, however, a forgery at common law. Newman *v.* Shyriffe, 3 Leon. 170 (1); 1 Hale, 684 (2).

(1) Supra, pl. 1141. (2) Supra, pl. 1141.

Nature of the interest to be prejudiced.

1143. The words in the third section, "any estate or interest for term of years," apply to terms already in existence: since to include, under this section, the case, likewise, where a term is created by the forged deed, would include the case of a prejudice to the freehold, which has already been provided for by the second section. 3 Inst. 170 (1); Markham's case, Noy, 42 (2); 1 Hale, 684 (3); 1 Hawk. P.C. c. 70. s. 18 (4).

(1) Supra, pl. 1126. (2) Supra, pl. 1126. (3) Supra, pl. 1126. (4) Supra, pl. 1126.

1144. But the same reason will not hold to limit, in a similar manner, the term "annuity;" forgeries, therefore, creating annuities are included in this section equally with forgeries laying claim to existing annuities: since the words of the statute are sufficient to include, and no reason can be given for excluding, them.

Obligation; bill obligatory.

1145. The words "obligation, and bill obligatory," in the third section, mean such as are under seal: this being their import at common law, with reference to which statutes are to be interpreted. 3 Inst. 171 (1); vide Newman *v.* Shyriffe, 3 Leon. 170 (2).

(1) Infra, pl. 1146. (2) Supra, pl. 1141.

Statutes-merchant, and staple.

1146. Statutes-merchant, and recognizances in the nature of a statute-staple, are obligations within the third section: since, as they must have the seal of the party, they are necessarily obligations in law. 3 Inst. 171 (1); 1 Hale, 685 (2); 1 Hawk. P. C. c. 70. s. 22 (3).

(1) To the words, *any obligation or bill obligatory*, Lord Coke subjoins, These must be intended to be sealed. If a man forge a statute-staple, or a recognizance in the nature of a statute-staple, that is, acknowledge them, or either of them, in the name of another; these are obligations within this act, for each of them hath the seal of the party. But otherwise it is of a statute-merchant, or of a recognizance, because they have not the seal of the conusor. 3 Inst. 171.

(2) Lord Hale's words are, The forging of a statute-staple, or recognizance in nature of a statute-staple, is within this statute, because the party's hand and seal are to it; but not the forgery of a statute-merchant or recognizance, because they have not the conusor's seal. Co. P. C. p. 171; 15 H. 7. 16 a; 1 Hale, 685.

(3) Hawkins observes, That the forgery of a statute-merchant, or of a recognizance in the nature of a statute-staple, by acknowledging them in the name of another, are within the statute, as being obligations, because they must have the seal of the party, by the express words of the statutes, which appoint in what manner such statute or recognizance shall be taken. But the forgery of the statute-staple is no way within the statute, because it needeth not the seal of the party, but only the seal of the staple provided for it. 1 Hawk. c. 70. s. 22.

1147. But statutes-staple are not such; since they need only have the seal of the staple. Vide 3 Inst 171 (1); 2 Roll. Abr. 466. (F.) pl. 2, 3, 4, 5; 1 Hale, 685 (2); 1 Hawk. c. 70, s. 22 (3).

(1) Supra, pl. 1146. (2) Supra, pl. 1146. (3) Supra, pl. 1146.

1148. Admitting, however, that a statute-staple, having the seal of the staple only, is not an obligation within the statute; yet, if the seal of the party be

added, and the instrument thereby made an obligation in law, it is included: since the statute employs a general unlimited term, and whether an instrument shall be included by the term, depends, not upon its form, but its legal operation.

Gift of personal chattels.

1149. A deed containing a mere gift of personal chattels, is not within the third section: since it obviously is not one of the enumerated particulars, in which alone it could be included—obligation—bill obligatory—acquittance—release—discharge. Newman *v.* Shyriffe, 3 Leon. 170 (1); 1 Hawk. P.C. c. 70. s. 21 (2).

(1) Supra, pl. 1141.

(2) Hawkins (referring to 3 Leon. ubi supra), observes, that the forgery of a deed containing a gift of mere personal chattels, is no way within the statute, the words whereof to this purpose are, "if any person shall forge any obligation or bill obligatory, or any acquittance, release, or other discharge of any debt, account, action, suit, demand, or other thing personal." 1 Hawk. P. C. c. 70. s. 21.

21 Jac. 1. c. 26.

1150. The 21 Jac. 1. c. 26, by its first section, reciting, "Whereas it is of late grown to be a great and general grievance to his majesty's subjects within the realm of England, and the dominion of Wales, that many lewd persons of base condition, for very little reward or recompence, have of late years used, and still do use, to levy fines and suffer recoveries of lands and other hereditaments, to acknowledge statutes, recognizances, bails and judgments, in the name or names of any other person or persons not privy or consenting to the same, which hath and daily doth turn to the great inquietation, charge, trouble, and undoing of many of the good subjects of this kingdom, and the rather for that there is no remedy in law to reform these and the like abuses:" enacts,

1151. By section 2. for remedy thereof, that all and every person and persons which shall acknowledge, or procure to be acknowledged, any fine or fines, recovery or recoveries, deed or deeds inrolled, statute or statutes, recognizance or recognizances, bail or bails, judgment or judgments, in the name or names of any other person or persons not privy or consenting to the same, and being thereof lawfully convicted or attainted, shall be adjudged, esteemed and taken to be felons, and suffer the pains of death, and incur such forfeitures and penalties as felons in other cases convicted or attainted do by the laws of England lose and forfeit, without the benefit or privilege of clergy to be allowed to any such offender or offenders: Provided always, that such attainder shall not be any corruption of blood, nor loss of dower to the wife, but the next heir shall have the lands whereof such person attainted died seised, and such wife her dower, as if no such attainder had been had.

1152. Section 3. provides and enacts that this act shall not extend to any judgment or judgments acknowledged by any attorney or attornies of record, for any person or persons against whom any such judgment or judgments shall be had or given.

1153. Unless the bail is filed, this statute does not apply (*e*). 1 Hale, 696 (1); Timberlye's case, 2 Sid. 90 (2); 1 Hawk. P. C. c. 45. s. 10 (3).

(1) The words of Lord Hale are, A bail taken before a judge is not bail within this statute till it be filed of record; and if it be not filed, the acknowledging thereof in another's name makes not felony, but a misdemeanor only. 1 Hale, 696.

(2) Indictment for felony upon the 21 Jac. 1. c. 26, in that the prisoner had acknowledged bail in the name of another. *Case:* the jury, by special verdict, found that the bail was taken by Justice Aske de bene esse, and never was filed. *Objected:* the words of the statute are, "if any one shall acknowledge a bail;" and it is not a bail before it is filed. For the necessity of its being filed and of record, see Hob. 210; and cases upon the recording or entering of fines, Dyer, 26, 27 b; 221; 246 a. *Answer:* this is felony within the act, 1° because it is within the intent of the act, which was to punish the abuse of acknowledging counterfeit fines, bails, &c. and so the filing or not filing is nothing to the purpose; 2° because the prisoner hath done every thing in his power to perfect it, for if bail be taken before such a judge, and he be removed from his office, yet shall the bail be filed; and the statute will be of little use, if it is at the discretion of attornies or others to make this felony or not (by the not filing) at their

(*e*) Vide infra, 4 & 5 W. & M. c. 4.

election.—Glyne, C. J. The bail not having been filed, I conceive that this is not within the words nor the intent of the act; and I will shew you the origin of bail de bene esse. A bishop having arrested a man for a great debt, he tendered bail to Justice Richardson, who took it in his chamber; and this bail being insufficient, the bishop complained to parliament of this grievance, and prayed their redress; whereupon it was enacted, that no bail taken before a judge, at chambers, should be binding on the plaintiff, without his assent to it or the confirmation of such bail taken by the whole court.—Newdigate, J. It seems to me, that all bails taken in courts of record are within the remedy of this statute, as well when taken at Westminster as elsewhere. But, in the present case, I conceive that no bail has been taken. Timberlye's case, 2 Sid. 90; B. R. Trin. 1658.

(3) Hawkins observes, It seems the bare personating of bail before a judge is no felony unless the bail be filed; and if it be not filed, the acknowledging thereof in another name makes not felony but a misdemeanor only. 1 Hawk. P. C. c. 45. s. 10.

1154. Nor does it where bail are put in under feigned names. Anon. 1 Str. 384.

Two people put in bail in feigned names, and because there were no such persons they could not be prosecuted for personating bail on the stat. 21 Jac. 1. c. 26. So the court ordered them and the attorney to be set in the pillory, which was done accordingly. Anon. 1 Str. 384; C. B. Trin. 6 G. 1.

1155. In the former case, however, there is a misdemeanor at common law. 1 Hale, 696 (1); Timberlye's case, 2 Sid. 90 (2); 1 Hawk. P. C. c. 45. s. 10 (3).

(1) Supra, pl. 1153. (2) Supra, pl. 1153. (3) Supra, pl. 1153.

1156. And in the latter, the bail and the attorney were set in the pillory. Anon. 1 Str. 384.

Supra, pl. 1154.

1157. The 8 & 9 W. 3. c. 20. s. 36. enacts, that the forging or counterfeiting the common seal of the governor and company of the Bank of England, or of any sealed bank bill made or given out in the name of the said governor, &c. for the payment of any sum of money, or of any bank-note of any sort whatsoever, signed for the said governor, &c. or the altering or rasing any indorsement on any bank bill or note of any sort, shall be and is hereby declared and adjudged to be felony without benefit of clergy. 8 & 9 W. 3. c. 20. s. 36.

1158. A writing upon the face of the bill or note, similar in legal operation to an indorsement, and in the course of business designated as such, is within this enactment: since the meaning of words is purely conventional, and their original signification, therefore, may be changed by agreement. Rex *v.* Bigg, Str. 18; 3 P. Wms. 419.

Infra, pl. 1159.

1159. Hence, where the company changed their practice, and wrote upon the face of their notes what, at the time of passing the act, they were accustomed to write upon the back, the erasure of such a writing was held to be rasing an indorsement within it. Rex *v.* Bigg, 3 P. Wms. 419; Str. 18.

Indictment for erasing an indorsement on a bank-note. *Case:* the jury found specially, that defendant, with a certain liquor to the jury unknown, totaliter expunxit et delevit the words, letters and figures of the indorsement. That from the time of making the act 8 & 9 W. 3. c. 20 to 28, November 1697, the method of the company was, to write the indorsements upon the back sides of their notes in black ink; but that ever since, the method has been to write the payments upon the face of the notes, cross the writing, in red ink; which last-mentioned writing has always ever since been called and esteemed an indorsement upon such notes. *Objected:* that the word indorsement signified a writing upon the back side of any deed or paper (2 Mod. Ca. 86; Salk. 375); and that it being found, that the words rased out by the defendant were wrote upon the face of the note, he was no way guilty of the fact in the indictment. *Held*, by the twelve judges, that the defendant was guilty; for the writing upon the face of the note was of the same effect as an indorsement, and being introduced by the company in the room of writing upon the back side, and always accepted and taken to be an indorsement, was within the words of the indictment. Rex *v.* Bigg, Str. 18; 3 P. Wms. 419; B. R. Mich. 3 G. 1.

1160. And expunging by chemical process, for example, by lemon juice, is a rasing within it: since a generic term, when left to itself, comprehends every particular mode; which in the present case it has been, from the statute not designating any mode in particular. Rex *v.* Bigg, 3 P. Wms. 419; Str. 18.

Supra, pl. 1159.

1161. The 12 G. 1. c. 32. s. 9. enacts, that if any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or willingly act 12 G. 1. c. 32. s. 9.

or assist in the forging or counterfeiting the name or hand of the said accountant general, the said register, the said clerk of the report office, or any of the cashiers of the said governor and company of the Bank of England, to any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing whatsoever, for or in order to the receiving or obtaining any the money or effects of any of the suitors of the said court of Chancery, or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act or assist in forging or counterfeiting any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing in form of a certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, made by such accountant general, register, clerk of the report office, or any of the cashiers of the said governor and company of the Bank of England, or any bond or obligation under the common seal of the united company of merchants of England trading to the East Indies, or any indorsement or assignment thereon, or on any bond or obligation under the common seal of the governor and company of merchants of Great Britain trading to the South Seas and other parts of America, and for encouraging the fishery; or shall utter or publish any such, knowing the same to be forged or counterfeited, with intention to defraud any person whatsoever; then every such person and persons so offending (being thereof lawfully convicted) shall be and is hereby declared and adjudged to be guilty of felony, and shall suffer death, as in case of felony, without benefit of clergy.

1162. An office copy is within this enactment: since the generical terms in the act, "instrument or writing whatsoever," are sufficiently comprehensive to embrace it. Rex *v.* Gibson, East P. C. c. 19. s. 22; Leach, 61.

Indictment on 12 G. 1. c. 32. s. 9. for forging, 1° a writing purporting to be an office copy of a report of the accountant general of money being paid into the Bank pursuant to an order of Chancery, and also an office copy of a certificate of one of the cashiers of the Bank of the payment of the money into the Bank; 2° a writing in form of a writing purporting to be an office copy of the certificate of the accountant general, and an office copy of the receipt of the cashier of the Bank. *Case:* the jury found, that since the stat. 12 G. 1. when money is paid into the Bank by order of the court of Chancery, the party paying it takes from a cashier a writing subscribed with his hand; the form of which the jury found in terms. That the party paying carries such writing to the accountant general, who thereupon makes a certificate under his hand; the form of which they also found in terms; and files the same and the cashier's receipt at the report office; and that the clerk of the report office makes copies of them for the party paying, or any other person desiring it; that such copies are read as evidence in Chancery of the facts of payment, and of the filing of the writings in the report office, as aforesaid; but that such copy is never signed by the said clerk of the report office, nor has the same any mark or signature to denote its being made in that office, excepting that the word "examined" is always subjoined to such copy by some clerk in the report office. That the clerk of the report office never delivers out any thing touching the payment of money into the Bank, except such office copy; but applications are frequently made at the report office to search for the original writings signed by the accountant general and cashier; and the clerk of the report office makes and delivers out to any person desiring it, copies of all decrees, reports, orders and writings filed in that office. That the forged writing purports to be an office copy of the clerk of the report office of a writing subscribed by the accountant general, and also of a writing subscribed by a cashier; but that no original ever existed of which the forged writing purports to be a copy. *Held*, upon argument in the Exchequer-chamber, before ten judges (when the prisoner urged that there is no mention in the act of an office copy of any kind, and the prosecution insisted that such instruments were included by the words "instrument or other writing"), that the offence was within the act. Rex *v.* Gibson, East P. C. c. 19. s. 22; Leach, 61; cor. Parker, C. B.; Gould, J. and Yates, J.; O. B. Jan. 1766.

2 G. 2. c. 25. s. 1.

1163. The 2 G. 2. c. 25. s. 1. reciting that "whereas the wicked, pernicious and abominable crimes of forgery, perjury, and subornation of perjury, have of late time been so much practised, to the subversion of common truth and justice, and prejudice of trade and credit, that it is necessary, for the more effectual preventing of such enormous offences, to inflict a more exemplary punishment on such offenders than by the laws of this realm can now be done;" enacts, that if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money,

indorsement or assignment of any bill of exchange, or promissory note for payment of money, or any acquittance or receipt, either for money or goods, with intention to defraud any person whatsoever, or shall utter or publish as true any false, forged or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acquittance or receipt, either for money or goods, with intention to defraud any person, knowing the same to be false, forged or counterfeited; then every such person, being thereof lawfully convicted according to the due course of law, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy.

31 G. 2. c. 22. s. 78.

1164. And the 31 G. 2. c. 22. s. 78. reciting that "whereas doubts may arise whether the punishment inflicted by the 2 G. 2. c. 25. s. 1. on persons guilty of the several species of forgery therein mentioned, extends to the commission of the like forgeries, with an intention to defraud any corporation," enacts that it shall so extend.

Commercial transactions.

1165. This enactment is not confined to commercial transactions: since the terms of the act do not imply the limitation, and the reason of the thing is against it. Rex *v.* Graham, East P. C. c. 19. s. 41 (1); Rex *v.* Macintosh, East P. C. c. 19. s. 39 (2).

(1) Supra, pl. 1085. (2) Infra, pl.

Acquittance or receipt.

1166. Though an instrument may not purport to be an acquittance, yet if an established mode of dealing has invested it with that character, it is an acquittance in law, and therefore a receipt within the 2 G. 2. c. 25: since where usage has given to an instrument a definite meaning (not inconsistent with its terms), which, without its aid, would be insensible, the fact may be shown, to support the instrument in its destined character. Rex *v.* Hunter, Leach, 624; East P. C. c. 19. s. 36.

Indictment charging that the prisoner had in his possession a navy bill of this tenor: "Extra. Received the 20th Sept. 1799. No. 660. To Edward Wilson, pilot extra, in reward for his service, between the 1st June and the 8th Sept. 1794, in piloting his majesty's sloop Lord Mulgrave from the river Humber to the Downs, thence to Spithead, and back to the river Humber, and attendance, as appears by a certificate remaining in the comptroller's office, the sum of 25 *l.* A. S. Hammond, S. Henslow, Geo. Marsh." That underneath was contained a written order for payment, called an assignment, of this tenor: "No. 6460, to be paid out of 2,000 *l.* received 8th Sept. 1794, and appointed to pay pilotage on the head of wages. G. Marsh, G. Rogers, S. Marshall.—Assigned the 24th Sept. 94. O. S." and that said writing was indorsed as follows:—"The certificate within-mentioned is indorsed by Ed. Wilson, payable to Mr. Wm. Thornton, T. Davis;" and averring A. S. Hammond, S. Henslow, and Geo. Marsh, to be three of the principal officers and commissioners of the navy; G. Marsh, G. Rogers, and S. Marshall, to be the same; and T. Davis to be chief clerk to the comptroller of the navy, in the office for bills and accounts: then charging, that the prisoner forged a receipt for the 25 *l.* mentioned in the navy bill, as follows:—"Wm. Thornton," "Wm. Hunter." A second count stated the navy bill, the order for payment and indorsement, as in the first count; and then stated, that to the navy bill was annexed and written a forged receipt for the 25 *l.* therein, as follows:—"Wm. Thornton," "Wm. Hunter;" and charged the prisoner with uttering it. Other counts described the forged instrument as an acquittance. *Case:* Edward Wilson, who had been pilot of the Lord Mulgrave, having received from his captain a certificate of his service, sent it to Wm. Thornton to receive his wages. The prisoner was a clerk in the comptroller's office, and being employed to forward the pilot's bills through the office, got into his hands the bill stated in the indictment, and carried it, with the order for payment and indorsement upon it, which were necessary for receiving the money, to the cashier of the pay office; having wafered to one side of the bill, on which was written the sum 25 *l.* under those figures, a fourpenny stamp used for receipts, on which were written the names of "Wm. Thornton," "Wm. Hunter," without any words importing that they had received the money. It was proved, that the cashier was in the habit of paying navy bills on the owner's name being written under the sum, without any other receipt. It appeared on producing the bill, that the name "Major Woolhead" was written at the bottom of it; with respect to which it was proved, that it was usual to have his name to the bills, as without it they did not regularly pass through the office; but that a bill would not be stopped if his name were not put to it. There also appeared on one side of the bill the initials of Mr. Davis's name, T. D. which were not stated in the indictment. *Objected,* to the indictment, 1° That it did not appear by the tenor of the instrument, as set forth, that it was a receipt. 2° That nothing was stated in the indictment to shew that this could operate as an acquittance. 3° That the navy bill set forth varied from that proved, in not having the

letters T. D. nor the name Major Woolhead(*f*). *Held*, by a majority of the twelve judges, that the judgment must be arrested, in that it did not appear on the face of the indictment, nor was it shewn by averment, that the instrument was a receipt. In the King *v.* Mason (Leach, 487.) which was relied on in arguing the present case, it is clearly laid down, that the offence must be plainly stated on the face of the indictment, that the court may see that the charge is of that species which the law has denominated an offence; and from this position it may be concluded, that it is not enough in an indictment for forgery, merely to call the paper writing, charged to have been forged, *a receipt*; but it must shew that the paper writing either *purports* to be a receipt on the face of it, or aver that it was intended to be used as a receipt by the prisoner. In an indictment for sending a threatening letter, the letter must be set out, in order that the court may judge, from the face of the indictment, whether it is or is not a threatening letter within the meaning of the statute on which the indictment is founded. So, for the same reason, in an indictment for obtaining money under false pretences, the false pretences must be set out. So, also, in indictments for forging a bill, bond, note, will or other instrument, an exact copy of the instrument respectively charged to have been forged must be stated. So, in the present case, the instrument intended to have been used as a receipt must be set out; and it must appear upon the face of the instrument so set out, that it is a receipt; or supposing the words, letters, or figures charged to have been forged, do not of themselves purport to be a receipt, there must be *an averment* of some *fact*, stating the words, letters, or figures import and signify a receipt. In the Crown Circuit Companion (365) there is a precedent of this kind. It was an indictment for altering a warrant or order of the South Sea Company, for payment of an annuity, by adding the letter *y* to the word eight, and a cypher to the figures 400; by which means the word eight was made eighty, and the figures 400 were made 4,000: and the indictment in that count, which is applicable to the present case, stated, "that the prisoner having in his custody a paper, partly written and partly printed, and which was then in the words, figures, cyphers and letters following, that is to say; 'C. No. 1214. New South Sea Annuities, at 4 per cent. 23d. R. R. esq. pay to W .D. &c. (setting out the warrant at large), and on the back of which said paper the aforesaid W. D. therein named, had indorsed and signed his name as followeth: 'Wm. D.'" And which paper, together with the said indorsement, in the form aforesaid, did then *purport* to be and was *a receipt*, acquittance and discharge under the hand of the said W. D. for the said sum of eight pounds, in the said paper, partly printed and partly written, mentioned; he the said H. P. (the prisoner) afterwards, &c. the said paper, so purporting to be such receipt, acquittance and discharge aforesaid, feloniously did alter, and the letter *y* feloniously and falsely did make, forge, counterfeit and add to the word eight before written in the said paper; so purporting, with the said indorsement, to be such receipt, acquittance and discharge as aforesaid; whereby the words, eight pounds, before written in the said paper, so purporting with the said indorsement to be such receipt, acquittance and discharge as aforesaid, with the said letter *y* so falsely made, forged and added thereto, became eighty pounds; and also the cypher 0, feloniously and falsely did make, forge, counterfeit and add to the figure and cyphers 400, before also written in the said paper, so purporting, with the indorsement aforesaid, to be such receipt, acquittance and discharge," &c. Now to apply this to the present case. The indictment charges, that the prisoner forged "a certain recept for money, to wit, for the sum of twenty-five pounds, &c. that is to say, Wm. Thornton and Wm. Hunter;" but it is not enough to call the signature of these two names *a receipt*, for they do not, standing by themselves, purport to be *a receipt*; and therefore the indictment should have averred, that the said names, "Wm. Thornton," and "Wm. Hunter," written on the said paper, imported and signified that the said Wm. Thornton and Wm. Hunter had received the sum of twenty-five pounds mentioned in the said paper writing. This is undoubtedly the law upon this subject. Therefore, as the words "Wm. Thornton, Wm. Hunter," do not import to be a receipt, and there being nothing to explain the import of these words, or to shew that they were in any way intended to signify that those persons had received the money, this indictment is clearly bad on the first count; and as the same objection applies in substance to the second count, though it is different in point of form (*g*), the majority of the judges are of opinion that the judgment ought to be arrested. Rex *v.* Hunter, East P. C. c. 19. s. 36; Leach, 624; cor. Perryn, B., O. B. Dec. 1794.

1167. A receipt purporting to have been given to A. B., may be shewn to have been given to him in the line of his duty as an agent of the navy board, so as to bring it within the 2 G. 2. c. 25: since an instrument, not under seal, pur-

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(*f*) On its being also objected, that supposing that the meaning of the instrument need not necessarily appear on the face of it, still this indictment was bad, inasmuch as there was nothing which charged that the words in question meant or purported to be the receipt of any one, which was necessary where the instrument did not shew its meaning upon the face of it; Eyre, C. J. asked, whether there were any thing to shew that this meaning of equivocal words could be fixed, by alleging that they *purported* to be such or such a thing; for he conceived that the word *purport* signified *apparent* meaning.

(*g*) Buller, J. thought that the second count might be supported, considering this to be as much *a receipt* as the writing a name was *an indorsement* on a bill of exchange. But to this it was answered, that an indorsement was complete by writing the name on the bill, without any thing more; whereas the name itself as stated in the indictment was no receipt, though the name coupled with the navy bill might together form a receipt; but that it ought to be so stated, as in the case referred to in the Crown Circuit Companion. In the argument too, it is urged, that though the second count stated that the receipt was *annexed* to the navy bill, yet that only implied that originally the instrument considered as the receipt was something independent in itself; and it only amounted to charging that that which was no receipt in law was so annexed. That this, therefore, was not like the case of an indorsement of a bill of exchange, which was always connected with and incorporated into the bill itself. East P. C. c. 19. s. 36.

porting to have been given to the party in his individual capacity, may be shewn to have been given to him as agent and on account of another. Rex *v.* Thomas, Leach, 877; East P. C. c. 19. s. 36.

Indictment for forging and uttering acquittances and receipts for money, all of a similar nature to the following: "Received of John Collinridge the sum of 3*l.* 12*s.* for wheelwright's work for the honourable commissioners of his majesty's navy. W. Clarke."—"Received of John Collinridge the sum of 1*l.* 14*s.* for iron pales. G. D. Arville." *Case:* the receipts were proved to be forgeries, and to have been uttered at one and the same time, in one bundle, by the prisoner, by his giving them in to the solicitor of the navy board as vouchers to verify an account of the expenditure of one Collinridge, a public accountant, deceased, for the purpose of getting such account passed at the navy board. *Objected:* that the forging or uttering the receipts in question was not, under the circumstances, an offence within the 2 G. 2. c. 25. s. 1. as they purported to be receipts given to Collinridge by persons employed by him, for money therein stated to have been paid to them for work and materials done and provided for the business in which he was employed under the navy board, and were produced by the prisoner as vouchers to accompany and verify Collinridge's accounts, in order to get them passed by the navy board; which accounts the prisoner had taken upon himself, after Collinridge's death, to get passed, in order to get rid of an extent which had issued against Collinridge's estate and effects. These workmen were solely employed by Collinridge, and not by the navy board; and he, and not the navy board, are answerable to them. Therefore the board has nothing to do with these receipts, and it is indifferent to the board whether these sums have been paid to these several persons or not. *Held*, by the twelve judges, that the case was within the act. They observed, the facts prove that these receipts were forged; and they purported to have been given to Collinridge by workmen for monies paid by him to them for work done *for the commissioners of the navy board.* The persons, therefore, employed for that purpose by *him*, were employed not solely on his account, but on account of the king; and these receipts, if genuine, would have been legal vouchers for his account, and would have entitled him to a discharge from the navy board. It is clear, therefore, that these receipts are forged receipts, and that they were knowingly uttered by the prisoner with intent to defraud the king. Rex *v.* Thomas, East P. C. c. 19. s. 36; Leach, 877; cor. Chambre, J., O. B. Sess. 1800.

1168. An instrument purporting to be a receipt, but not stating from whom the money was received, is not a receipt within the 2 G. 2. c. 25: since a receipt, ex vi termini, imports an acknowledgment of payment; now, an acknowledgment cannot be obligatory, and therefore cannot legally exist, unless there be a person to whom it is made. Rex *v.* Lyon, Leach, 597; East P. C. c. 19. s. 36.

Infra, pl.

1169. To be a receipt, however, it seems to be sufficient, if, from extrinsic circumstances, it can be shown to be such: since whether an instrument belongs to a particular class, depends, not upon its form, but its operation in law; now its legal operation, in the case supposed, is the same as where it purports to be a receipt. Rex *v.* Testick, East P. C. c. 19. s. 36 (1); Rex *v.* Hunter, East P. C. c. 19. s. 36; Leach, 711 (2).

(1) Infra, pl. (2) Supra, pl. 1166.

1170. And, for a similar reason, to be a receipt for money within the statute, it is not necessary that the instrument should purport, on the face of it, to be a receipt for money; it is sufficient if, through the agency of extrinsic circumstances with which it is connected, it can be shown to be such. Rex *v.* Testick, East P. C. c. 19. s. 36 (1); Rex *v.* Hunter, East P. C. c. 19. s. 36; Leach, 711 (2).

(1) Infra, pl. (2) Supra, pl. 1166.

1171. A receipt for bank-notes is not a receipt within the 2 G. 2. c. 25: since the statute specifies receipts for money or goods; now, bank-notes are neither goods nor money. Rex *v.* Harrison, Leach, 180; East P. C. c. 19. s. 36.

Indictment on 2 G. 2. c. 25. and 31 G. 2. c. 22. s. 78. for forging a certain receipt for money, viz. "1777, June 16. Bank-notes. C. 3,210*l.*" *Case:* the prisoner was accountant to the London Assurance Company, who kept their cash with the Bank of England; for which purpose the Bank furnished the company with a book, the title of which was, "Debtor, the Bank of England, with the London Assurance, Creditor." When any money or bank-note was paid into the Bank, the clerk of the Bank entered the amount on the debtor side, to which he signed his name; and on the other hand, when the company drew for money, the cashier of the Bank wrote off so much from their bank-book. This bank-book was kept by the prisoner as accountant to the company, and sent by him to the Bank as occasion required. And one John Clifford, the Bank clerk, having entered on the debtor side of the account-book, "1777, June 16. Bank-notes. C. 210*l.*" as so much received for the use of the Assurance Company, the

prisoner prefixed the figure 3 to the sum, thereby making the sum received to be 3,210 *l.* *Objected:* that the case was not within the 2 & 31 G. 2., those statutes being confined to receipts for money or goods, and this being a receipt for bank-notes, which were neither money nor goods; and that the legislature had so thought by passing the 7 G. 2., in which bills, notes, &c. are particularly mentioned. *Held*, that the objection was good. Rex *v.* Harrison, East P. C. c. 16. s. 36; Leach, 180; cor. Blackstone, J., O. B. Sept. 1777.

1172. Where a forged acquittance consists in subjoining the words "received the contents" to a memorandum of items of which some only are material, the instrument is not a receipt or acquittance for money within the 2 G. 2. c. 25: since it cannot with any certainty be collected, whether the words of acquittance refer to the material or the immaterial items. Rex *v.* Russell, Leach, 8.

Indictment on 2 G. 2. c. 25, for forging *an acquittance and receipt* under a certain account, as follows:

"Guinen against Bancillion.

Bill, 23*l.* 4*s.* 1*d.*; viz. 12*l.* 10*s.* 5*d.* and 10*l.* 13*s.* 8*d.*
Half profit, 5*l.* 6*s.* 10*d.*
Costs out of purse, 12*l.* 10*s.* 5*d.*
My dividend, 5*l.* 6*s.* 10*d.* — } 17*l.* 17*s.* 3*d.*
Received, 4*l.* 4*s.* Due to me, 13*l.* 13*s.* 3*d.*

Received *the above contents*, R. Gateley."

with intent to defraud Roger Gateley, one of the solicitors of the high court of Chancery. *Held*, that the instrument was not a receipt or acquittance for money within the act; being a confused memorandum, from which it was impossible to collect, with any certainty, whether the word *received* referred to the *item* of *costs*, or to any of the immaterial items of which the note was formed. *Held also*, that the indictment was defective, in not having properly pursued the words of the statute. Rex *v.* Russell, Leach, 8; cor. Page, J.; Carter, B.; Urlin, dep. R.; O. B. Feb. 1737.

Bills and notes.

1173. Where a writing purports to be a bill of exchange, it falls within the 2 G. 2. c. 25, notwithstanding the forger's intention was, that its operation should be different: since the intention is an extrinsic circumstance, and the character of a writing is determined by its contents. Rex *v.* Chisholm, Russell, 1624.

Supra, pl. 1083.

1174. A bill of exchange is complete as such though the drawer is not bound, or even capable of accepting it, and the fact apparent.

1175. A forged bill, therefore, in other respects complete, is, in spite of that circumstance, within the 2 G. 2. c. 25. Rex *v.* Chisholm, Russell, 1624.

Supra, pl. 1083.

1176. A note for the payment of money, though it be not negotiable, is within the stat. 2 G. 2. c. 25: since the quality of being transferrable is not essential to a promissory note. Rex *v.* Box, 6 Taunt. 325.

Indictment for forging a promissory note as follows: "On demand we promise to pay Mesdames Sarah Wallis, and Sarah Doubtfire, stewardesses for the time being of the Provident Daughters Society, held at Mr. Pope's, the Hope, Smithfield, or their successors in office, sixty-four pounds, with 5 per cent interest for the same; value received this 7th day of Feb. 1815. For Felix Calvert & Co. John Forster." *Objected:* that this was no promissory note. *Held*, by the twelve judges, that it was a note within the 2 G. 2. c. 25. The objection to this instrument was founded on this circumstance,—that it appears to be made payable to two ladies, describing them as stewardesses of a provident society, or their successors in office; and that this society not being enrolled according to the statute (33 G. 3. c. 34.) this note was not capable to enure to their successors, and was not negotiable. But the judges considered that this, as stated in the indictment, is a valid promissory note within the statute of G. 2. It is not necessary that such a note should be in itself negotiable; it is sufficient that it should be a note for the certain payment of a sum of money, whether negotiable or not. And though these ladies were not at the time legally stewardesses, yet it was a description by which they were known at the time; and though they could not legally have successors in office, yet, in case of their decease, their executors and administrators might sue, and they themselves, during their life, might recover on it. Therefore it is an instrument capable of being the subject of forgery. Rex *v.* Box, 6 Taunt. 325; cor. Chambre, J.; O. B. April 1815.

1177. But that a promissory note may fall within the 2 G. 2. c. 25. it must be for payment of money only, and not in the alternative—for that or something else: since an alternative contract, and one for payment of money only (the characteristic of a note), are different things. Rex *v.* Wilcock, Russell, 1623.

Infra, pl. 1178.

1178. A promissory note, therefore, to pay "one guinea on demand here, in cash or Bank of England note," is not a promissory note within 2 G. 2. c. 25. Rex *v.* Wilcock, Russell, 1623.

Indictment for uttering the following note:

"Pontefract Bank, 1st April 1807.

"I promise to pay the bearer one guinea on demand here, in cash or Bank of England note.

No. C^e. 591. No. C^e. 591.
Ent^d. J. U. For Perfect, Seaton & Co.
One Guinea. John Seaton."

Objected: that this was not a note for the payment of *money* within the 2 G. 2. c. 25; the guinea being, by the terms of the note, to be paid in cash or Bank of England note, at the option of the payer. *Decision:* it is understood, that the twelve judges held that the note was not within the act. Rex *v.* Wilcock, Russell, 1623; cor. Le Blanc, J. Yorkshire Lent Ass. 1808.

1179. A power of attorney, under seal, to receive certain prize-money, is a deed within the 2 G. 2. c. 25: since the term used by the statute is generical. Rex *v.* Lyon, Russell, 1602. Deed.

Infra, pl.

1180. A question has been raised, but not determined, whether indorsing a bill in the prisoner's own name, falsely stating that it is done by authority of the payee, is forging an indorsement within the statute. Rex *v.* Maddocks, Russell, 1626. Indorsement.

Indictment against Maddocks, stating that he had in his custody a Bank bill of exchange (the tenor of which was set out), dated 1st Oct. 1814, for payment of 36*l.* 19*s.* at seven days sight to Messrs. S. Brown & Co., or order, accepted on said 1st Oct. the date of the bill; stating also, that there were two indorsements upon the bill, the first by the said Samuel Brown & Co. to Joseph Seymour, or order; and the other by the said Joseph Seymour to Robert Falcon, or order; and charging that the prisoner, having this bill so indorsed in his custody, forged another indorsement upon it as follows: "P. Pro^n for Robert Falcon, George Maddocks." *Case:* the prisoner was in the situation of a clerk and servant to the prosecutor, Mr. Robert Falcon, who was an attorney, having chambers in the Temple; he was left in charge of the chambers, when the prosecutor went out of town, with instructions to receive any money, and make advances in the way of business, and to open any letters, and do what was necessary in case a writ, or any thing of that sort, was wanted; but he had no authority from the prosecutor to indorse any bill for him by procuration. During the absence of the prosecutor, Mr. Seymour, then the holder of the bill, indorsed it to the prosecutor, and sent it in a letter to his chambers. The prisoner opened the letter, and a day or two afterwards took the bill to the Bank, and received the money; having first made the indorsement charged by the indictment to be forged. At the time he received the money, he wrote a receipt immediately under the forged indorsement in these words—"Received for Robert Falcon, 4, Elm-court, Temple, 5 Jan. 1815. George Maddocks." On the following day, the 6th Jan. the prisoner wrote to the prosecutor a sort of journal of the week's occurrences, and therein mentioned the bill in question; but only stated that he had taken it for acceptance, though he had in fact received the money the day before. On the 9th Jan. the prosecutor returned to town, but did not find the prisoner at his chambers, he having previously absconded. In his defence the prisoner said, that he received the money for his master's use; and did not intend to apply it otherwise; and he assigned as the cause of his absenting himself, some unexpected distress in his circumstances. The learned judge left it to the jury to consider, whether, under the circumstances in evidence, it appeard to them that the prisoner meant only to receive the money for his master's use, and acted under a suposition that, in the situation of trust in which he was placed, he had a right to describe himself as acting by procuration; or whether he had made the indorsement and received the money for the purpose of defrauding his master, or the Bank. The jury were of opinion that it was for the purpose of fraud, and referred to the prisoner's letter of the 6th January, wherein he only speaks of having taken the bill for acceptance, though he had actually received the money for it the day before; and they accordingly found him guilty. But as it did not appear, that the prisoner had offered to make use of the indorsement to transfer the bill to any other person, or to enable himself to receive the contents as holder, or bearer, having, on the contrary, given the receipt in his own name for the use of his master, whose place of residence was truly described in the receipt; a doubt arose, whether the indorsement was such an assignment of the bill as is meant by the word "indorsement" in the statute. And upon this doubt the sentence was respited, in order to take the opinion of the judges, whether the prisoner ought to have been acquitted, either on the special circumstances of his conduct, or upon the more general question, whether a false assertion in an indorsement, that the indorser had a procuration, without any other circumstance of falsehood or misrepresentation, makes such an indorsement a forgery within the statute. The case was argued at great length before the twelve judges: but no opinion was ever delivered; the prisoner dying in Newgate previously to the subsequent sessions at the Old Bailey. Rex *v.* Maddocks, Russell, 1626; O.B. 1815.

1181. The argument for the affirmative is, that it is the fabrication of that which, if genuine, would have been the indorsement of the payee, by the maxim *qui facit per alium facit per se.*

Scotch note.

1182. It was made a question, whether uttering in England a promissory note (under seal) of a Scotch bank or a Scotch chartered company, payable in Scotland, is within the 2 G. 2. c. 25: since the fourth section provides against its extending to Scotland. Rex *v.* Dick, Leach, 68; East P. C. c. 19. s. 35 (1). Rex *v.* M'Kay, Russell, 1622. n. (2)

(1) Indictment for knowingly uttering a forged writing obligatory, commonly called a Scotch bank-note. *Case:* the note was in the following form:

"Five pounds. Bond accord. Sterling. No. $\frac{157}{28}$.

"Aberdeen, 1 May 1767.

"The banking company in Aberdeen are hereby obliged to pay James Brand, or bearer, on demand, at their office here, five pounds sterling, by order of the directors.

W. Brebner, J. Burnett, } Directors. R. Sunderland, cashier."

The company was an association of most of the county gentlemen; and they issued notes under the signature of a cashier and two directors, in the form above-mentioned. *Objected*, 1° whether this note is within the meaning of the 2 G. 2. c. 25; 2° if so, whether uttering it in England is felony. *Decision:* upon a reference, after conviction, to the twelve judges, they were divided in opinion upon both questions; the 2 G. 2. c. 25, negatively excluding Scotland, and the note being payable locally where it was drawn. The prisoner was pardoned. Rex *v.* Dick, Leach, 68; Newcastle-upon-Tyne, 1770.

(2) Indictment for uttering a promissory note of the British Linen Company at Edinburgh. *Objected:* that the instrument set out, purporting to be an undertaking for the payment of money by a chartered Scotch company, only entitled the party to obtain payment in Scotland, and could not be put in suit in this country, and was not within the 2 G. 2. c. 25. in consequence of the operation of the fourth section. Dick's case (supra, in this pl.) and the opinion of the court concerning the legality of contracts, in Robinson *v.* Bland, 2 Burr. 1078, were referred to. *Decision:* the point being submitted to the consideration of the twelve judges, the prisoner was recommended for a pardon. Rex *v.* M'Kay, Russell, 1622. n.; O. B. 1803.

1183. But since these cases, the 45 G. 3. c. 89. (infra pl.) has been enacted, the provisions of which (similar to those of the 2 G. 2.) extend to "every part of Great Britain."

7 G. 2. c. 22.

1184. The 7 G. 2. c. 22. reciting the first section of the 2 G. 2. c. 25; reciting also, that "whereas no punishment is inflicted by the said act upon any person who shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for payment of money, or any warrant or order for payment of money, or delivery of goods, or who shall knowingly utter or publish the same as true;" enacts, that if any person shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for payment of money, or any warrant or order for payment of money, or delivery of goods, with intention to defraud any person whatsoever, or shall utter or publish as true any false, altered, forged or counterfeited acceptance of any bill of exchange, or accountable receipt for any note, bill or other security for payment of money, or warrant or order for payment of money, or delivery of goods, with intention to defraud any person, knowing the same to be false, altered, forged or counterfeited; then every such person, being thereof lawfully convicted according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

1185. And the 18 G. 3. c. 18. reciting "that whereas doubts have arisen whether the punishment inflicted by the 7 G. 2. c. 22. on persons guilty of the several species of forgery therein mentioned, extends to such forgeries when committed with an intention to defraud any corporation," enacts that such punishment shall be inflicted on persons guilty of such forgeries with such intent.

Order.

1186. The term "order," in this statute, is to be taken strictly, and limited to instruments which, either from their purport, or from the authority which in point of fact the drawer is entitled to assume, are compulsory upon the party

addressed, leaving him no option to assent or refuse (*h*). Rex *v.* Mitchell, Fost. 119 (1). Rex *v.* Williams, Leach, 114; East P. C. c. 19. s. 37 (2). Rex *v.* Ellor, Leach, 323 (3).

(1) Indictment on the 7 G. 2. c. 22. for uttering the following order: "Mr. Jefferys, I desire you to let this woman have six yards of ordinary stuff, one pair of stockings, one shift, one apron, one handkerchief, and I will see it all paid for. Witness my hand, George May." *Case:* the prisoner, who was, or pretended to be, entitled to parochial relief in the parish of Maidstone, went to the shop of the said William Jefferys, who sold women's apparel; and pretending that she came from the said George May, who was then an overseer of the poor of that parish, produced to Mr. Jefferys the order in question, and desired him to let her have the several things mentioned in the order, upon the credit of it. But Jefferys, suspecting a forgery, sent the prisoner away, but kept the order; and May having been spoken with, the prisoner was soon afterwards secured. After conviction, judgment was respited upon a *doubt*, whether the order was a warrant or order within the statute; since, supposing it to have been genuine, it could have been considered in no other light than as a request from May for the delivery of the goods on his credit, and an undertaking on his part to see them paid for. *Decision:* of the twelve judges (absent one), nine were clearly of opinion that this writing is not a warrant or order for the delivery of goods within the meaning of the act: one doubted, but acquiesced: another dissented. Those who took the case to be out of the act, argued, that the words *warrant or order*, as they stand in the act, are synonymous, and expressive of one and the same idea, and in common parlance import, that the person giving such warrant or order hath, or at least claimeth, an interest in the money or goods which are the subject-matter of that warrant or order; that he hath, or at least assumeth, a disposing power over such money or goods, and taketh on him to transfer the property, or custody of them at least, to the person in whose favour such warrant or order is made. This they took to be the strict literal construction of the act. And though the present case, and many other cases of the like kind, mentioned in the debate, may come within the mischiefs intended to be prevented, yet in the construction of acts so penal as this, the old rule of adhering strictly to the letter must not be departed from. The learned judge (Smythe, B.) who dissented, argued, that the act of the 7th of the king, on which the question ariseth, was made on purpose to take in the cases which had not been provided for by the former act; and, therefore, ought to receive a liberal construction. That the word *order* is every day used among traders in a larger sense than is now contended for. Letters or messages between dealers, where one desireth the other to send him a quantity of goods in the way of trade, they call *orders*; and yet the person sending this order hath no interest in the goods, no disposing power over them, nor pretendeth to any. Had the paper in question been genuine, and the goods delivered on the credit of it, May would have been liable: or had the goods been delivered on the credit of this paper, Jefferys would have been defrauded. He concluded, therefore, that as the present case is within the mischief intended to be prevented, and, as he apprehended, likewise within the words of the act, judgment of death ought to pass upon the prisoner. Rex *v.* Mary Mitchell, Fost. 119; cor. Foster, J. Kent Lent Ass. 1754.

(2) Indictment against Williams on the 7 G. 2. c. 22. for forging the following order for delivery of goods—"Sir, please to let the bearer, captain Geo. Williams, have twelve barrels of tar; and in so doing, you'll oblige your humble servant to command, Wm. Robinson. To Mr. Guildmore, Gosport;"—with intent to defraud H. Lys, J. S. & N. Guildmore. *Case:* it appeared that Robinson, though a customer of Messrs. Lys & Co. was not the owner of or had any special interest in the goods in question, or any others in their hands; nor had any authority to send any such order, if it had been genuine. *Objected*, that this was not an order within the act. *Held* by all the judges, except two who were absent, that it was not, upon the authority of Mitchell's case; though most of them said, they should have doubted the propriety of that determination had it been *res integra*; but having been so long acquiesced in, they thought it could not now be departed from. Rex *v.* Williams, East P. C. c. 19. s. 37; Leach, 114; at Southampton Sum. Ass. 1775.

(3) Indictment on 7 G. 2. c. 22. for forging an order for payment of money, as follows: "Messrs. Songer, please to send ten pounds by the bearer, as I am so ill I cannot wait on you. Elizabeth Wery." *Held:* that the statute means such an order as, if genuine, the party giving it had a right to make; but this appears to be a mere letter, rather requesting the loan of money than ordering the payment of it. The terms of it do not import any thing compulsory on the part of the drawee to pay it; and in Mitchell's case, nine judges against one determined that the order was not within the meaning of the act, because the direction of it was not positive, and the terms of it did not import that the party giving it had a right to the goods ordered. Accordingly the prisoner was acquitted of the felony, but detained and convicted of the misdemeanor. Rex *v.* Ellor, Leach, 323; O. B. May 1784.

1187. An instrument purporting to be an order for the payment of whatever money may be due to the maker, not specifying any sum, is an order for the payment of money within the 7 G. 2. c. 22: since it is obligatory as such. Rex *v.* Macintosh, Leach, 583; East P. C. c. 19. s. 39.

Infra, pl.

(*h*) Sir Edward East states that it seems to be now settled, that if the warrant or order mentioned in the 7 G. 2. c. 22. do not purport on the face of it, or be shewn by proper averment, to be made by one having authority to command the payment of the money or direct the delivery of the goods, and to be compulsory on the person having possession of the subject-matter of it; but only purport to be a request to advance the money, or supply the goods on the credit of the party applying, which the other may comply with, or not, as he sees proper, it is not a warrant or order within the statute. East P. C. c. 19. s. 37.

1188. So, forging an order for the delivery of goods, which, though different from the usual form in not specifying the articles, is sufficiently intelligible to the parties addressed, is within the 7 G. 2. c. 22. (and 13 G. 3. c. 26.): since it is a mean adequate to the end against which those statutes are aimed. Rex *v.* Jones, Leach, 53; East P. C. c. 19. s. 39. (*i*).

Indictment for forging an order for the delivery of goods, to this purport:

"Sir, September 23, 1764.
Please to deliver my work to the bearer.
Lydia Bell, Fleet-street, London."

With intent to defraud the wardens and company of Goldsmiths. *Case:* it appeared in evidence that Mrs. Bell was a silversmith, and had sent two silver tankards, and two silver cups with covers, by John Harper, her apprentice, to Goldsmiths-hall to be marked; that the form of the order is the same as is usually sent upon such occasions; except that in strictness, and by the rule of the plate-office, the several species of work, with the weight of the silver, ought to have been mentioned in it. It was proved by an accomplice, that the prisoner had written the note, and signed the name "Lydia Bell, Fleet-street," to it. *Objected:* by motion in arrest of judgment, upon the form of the order. *Held*, upon a reservation for the opinion of the judges, that the objection was naught. Rex *v.* Jones, Leach, 53; cor. Ld. Mansfield, C. J., Bathurst, J. and Smythe, B., O. B. Oct. 1764.

1189. So, an order (compulsory in its terms) on a banking-house, in the name of one who had no effects there, or who never existed, is within the 7 G. 2. c. 22: since its operation as an engine of fraud is not affected by such circumstances, and the deceit, therefore, at which the statute is aimed, as easily accomplished as had they been reversed. Rex *v.* Lockett, East P. C. c. 19. s. 38; Leach, 94 (1) (*k*). Rex *v.* Abrahams, East P. C. c. 19. s. 38 (2).

(1) Indictment against Lockett, on the 7 G. 2. c. 22. for uttering a forged order for the payment of money in these words—"Messrs. Neale, Fordyce and Down, pay to Wm. Hopwood or bearer 16 *l.* 10 *s.* 6 *d.* R^t^ Vennest;"—with intent to defraud John Scoles. *Case:* the prisoner applied to Scoles a colourman, and agreed to purchase goods to the amount of 10 *l.* 0 *s.* 6 *d.* which he was to send for, and he took away with him a little Prussian blue. He came again, pretending to be in a hurry, and presented this order, which he said was a good one; and Scoles gave him 6 *l.* 10 *s.* being the difference. No such person as R^t^ Vennest kept cash with Messrs. Neale and Co.; nor did it appear that there was any such man existing. *Objected:* whether this were an order within the statute 7 G. 2. c. 22. the principle of Mitchell's case being, that the words "warrant or order," as they stand in the act, are synonymous, and expressive of one and the same idea, and in common parlance import, that the person giving such warrant or order hath, or at least claimeth, an interest in the money or goods which are the subject-matter of that warrant or order; that he hath or at least assumes to have a disposing power over such money or goods, and takes on him to transfer the property, or custody of them at least, to the person in whose favour such warrant or order is made. *Held*, by the twelve judges, that this was forgery within the act; that it was quite immaterial whether such a man as Vennest existed or not, or if he did, whether he had kept cash at the banking-house of Messrs. Neale and Co.; it was sufficient that the order assumed those facts, and imported a right on the part of the drawer to direct such a transfer of his property. Rex *v.* Lockett, East P. C. c. 19. s. 38; Leach 94; cor. Perrott, B. and Aston, J.; O. B. June 1772 (*l*).

(2) A like case, in all its circumstances, occurred, in the April sessions 1774, at the Old Bailey, in the case of one Abraham Abrahams, wherein judgment was respited, as Lockett's case was then undetermined. They were both decided at the same time, and the prisoners received judgment of death in the July following. Rex *v.* Abrahams, East P. C. c. 19. s. 38; O. B. April 1774.

(*i*) Sir Edward East states the principle of this case to be, that it does not appear necessary that the particular goods should be specified in the order, provided it be conceived in terms intelligible to the parties themselves to whom such order is addressed. East P. C. c. 19. s. 39.

(*k*) Sir Edward East states the principle of these cases to be, that if it purport to be an order which the party has a right to make, although in truth he had no such right, and although no such person existed in fact as the order purports to be made by, it falls within the penalty of the act. East P. C. c. 19. s. 38.

(*l*) To the manuscript from which the report in Leach is taken, is subjoined the following observation: "In M. Mitchell's case (Fost. 120.) the judges seem to have considered the meaning of the word 'order' as importing *a right* on the part of the person who is supposed to have made it, and a duty on the part of the person on whom it is made. It follows, therefore, that whenever a forged order for the payment of money, or for the delivery of goods, is drawn in such terms as to induce the world to believe that it *must*, in common honesty and the regular course of things, be complied with, it is within the meaning of the act; but where it seems to leave compliance or refusal *optional*, and applies rather to the *favour* than the *justice* of the person on whom it is drawn, it is not within the penalty of the statute; for on such an order, the party taking it can place no *reliance*; the terms of it import that compliance *may* be refused: and therefore if it be refused, he cannot pretend that he is *deceived*; for a man has no right positively to expect performance when requisition is not *a right* and performance *a duty*. In Mitchell's case, it is rather *a desire* that a thing should be done, than *an order* to do it. A *desire* implies that the party has not *a right*, and it is *the usurpation of another's right* which the legislature intended to punish and prevent."

1190. So, a magistrate's order upon the high constable of the division, or the treasurer of the county, to pay a reward for the apprehension of a vagrant under the 17 G. 2. c. 5. s. 5. is an order for the payment of money within the 7 G. 2. c. 2: since the words of the act are sufficiently comprehensive to embrace it, and no reason can be given why it should be excluded. Rex *v.* Graham, East P. C. c. 19. s. 41; Leach, 886. in notis.

Supra, pl. 1085.

1191. So, an order for the payment of whatever money may be due to the drawer on a particular account, though a sum be not specified, is an order for payment of money within it. Rex *v.* Macintosh, East P. C. c. 19. s. 39.

Infra, pl.

1192. And it seems, that where a Statute authorizes an order for payment of money under certain circumstances only, but without prescribing any set form, the existence of those circumstances need not be declared in the order: in that, until disproved, their existence will be presumed. A counterfeit, therefore, though silent as to those circumstances, is within the statute 7 G. 2. c. 22. Rex *v.* Froud, 1 Br. & B. 300; 7 Price, 609; 3 B. Moore, 645 (1). Rex *v.* Bradby, 1 Br. & B. 306; 3 B. Moore, 653 (2).

(1) Infra, pl. (2) Infra, pl.

1193. But an order not addressed to any person is not within the 7 G. 2. c. 22: since neither in its terms, nor in point of fact, is it compulsory upon the holder of the property against which it is aimed. Rex *v.* Clinch, Leach, 540; East P. C. c. 19. s. 37.

Indictment on 7 G. 2. c. 22. for forging an order for the delivery of goods, as follows: "Please to send by the bearer 8 lb. of that whorpe hun market. L. Desemockex." The indictment stated that James Lewis Desormeaux, silk-dyer, delivered to Frances Purser, silk-dyer, 78 lb. of raw silk, called Piedmont raw silk, of the goods of the said J. L. D., to be sorted for dying; and that the prisoner forged a certain warrant or order for delivery of goods, with the name Desemockex thereunto subscribed, purporting to have been signed by one Lewis Desormeaux by the name and description of L. Desemockex, he the said Lewis Desormeaux then being the servant of the said J. L. D. in his said business of a silk-dyer, and purporting to be a warrant or order from the said Lewis Desormeaux, as such servant of the said J. L. D., for the delivery of 8 lb. of the said raw silk, called, &c. parcel of the said 78 lb. &c. to the bearer of the said warrant and order; setting it out as above. *Case:* the prosecutor J. L. D. was a silk-dyer in Spitalfields, with whom the prisoner had lived a fortnight before the transaction happened as a journeyman or under-servant in the warehouse, and James (the husband of Frances) Purser was another servant. The prosecutor's business was in general, but particularly in his absence, under the direction of his son Lewis D., who was apprenticed to his father. On the 7th Dec. 1790, James Purser delivered the 78 lb. of silk tied up in a bag to his wife, with directions to prepare it for dying. A few hours after, the prisoner called at Purser's house and asked for 8 lb. of the silk, saying that he had been sent by Mr. Desormeaux to her for it, and producing at the same time the order in question. Mrs. Purser not knowing the person of the prisoner looked at the order, and asked him who wrote it. To whom he replied, Mr. Lewis Desormeaux; and she not knowing his hand-writing, nor the manner in which he spelt his name, but believing the order to have come from him, knowing he had the management of this part of his father's business, delivered the 8 lb. of the silk unwarped to the prisoner, understanding the words of the order *hun market* to mean silk without the threads round it. It was proved that no such order had ever been given either by the prosecutor or his son; and that the prisoner had converted the silk to his own use. *Objected*, 1° that to bring the offence within the act, the order must purport to be made by a person who had an authority, or at least claimed an interest in the subject-matter of it; and who takes upon him to transfer it to the person in whose favour the order is made. That it was not averred in the indictment that L. Desormeaux, whose order it purports and is averred to be, had any authority over or interest in the goods in question, or any authority to make such an order, which ought to have been expressly alleged. It states that another person was the owner, namely, the father James Lewis Desormeaux, to whom the son was only a servant; and it cannot be inferred from that circumstance that the son had authority over the goods; and the want of such an averment cannot be supplied by parol evidence: on the contrary, the order appears to have been made by an apprentice who was not sui juris, and had no disposing power. 2° That the instrument was not an order, but a bare request. 3° That it was not directed to any person, and consequently was not upon the face of it compulsory upon the holder of the goods. 4° That further, it ought to have appeared on the face of the indictment that the order was to the holder of the goods. *Held*, by the twelve judges, 1° that on the construction of the statute, the forged warrant or order for the delivery of the goods must purport to be the order of the owner, or of some person who has or at least claims an interest in, or who has or at least assumes to have a disposing power over the goods, and takes upon him to transfer the property or custody of them to the person in whose favour such order is made; for which, Mitchell's case, Williams's case, and Jones's case, were referred to. Again, that the order must be directed to the holder of or person interested in or having possession of the goods: now the order set forth in the indictment was not directed to any person

whatsoever; but merely expressed a desire that 8lb. of silk should be delivered to the bearer of it, without any direction from whom it was to be received. On this ground, therefore, this is not a warrant or order within the statute. 2° It ought to have appeared in the indictment, that the person whose name was subscribed to the order had an authority to make it; but that could not be collected by any legal inference from the words of the present indictment; for L. Desormeaux, the person whose name is forged, is stated to be the servant of the owner, which excludes every idea that he had or could claim any interest in the goods which were the subject of the order: it ought to have been expressly averred that he had authority to make it. Rex *v.* Clinch, East P. C. c. 19. s. 37; Leach, 540; cor. Perryn, B. and Thompson, B., O. B. Jan. 1791.

1194. Nor is a note as from a parish officer to a shopkeeper, desiring him to let the prisoner have certain goods, which he would see him paid for, within the act: since there is no compulsion on the part of the shopkeeper to comply with it. Rex *v.* Mitchell, Fost. 119.

Supra, pl. 1186.

Accountable receipt.

1195. Where parties are engaged in money transactions, and a book is kept purporting to contain receipts for money paid in by one to the other, any authorized entry therein of money paid in, though not a receipt in terms; yet if, from its connexion with the professed character of the book, it be equivalent thereto, it is an accountable receipt for the payment of money, within the 7 G. 2. c. 22: since it then possesses all the requisites for enforcing those obligations which the acceptance of money on account imposes. Rex *v.* Harrison, Leach, 180; East P. C. c. 19. s. 36 (1); explained in Rex *v.* Lyon, East P. C. c. 19. s. 36; Leach, 681 (2).

(1) Supra, pl. 1171. (2) Infra, pl.

31 G. 2. c. 10. s. 24. Personation must be of a real person.

1196. The expression in the 31 G. 2. c. 10. s. 24. (and of the subsequent acts upon the same subject)—*if any person shall personate or assume the name or character of any person entitled or supposed to be entitled to any wages, &c.*—is construed to mean, the personation of some real existing person entitled, or at least primâ facie supposed to be entitled, to wages, &c. Rex *v.* Brown, East P. C. c. 20. s. 4 (1). Rex *v.* M^c^Annelly, Ibid. (*m*) (2). Rex *v.* Tannet, Russell, 1596 (3).

(1) Indictment, 1° for assuming the name and character of William Wheeler, a person supposed to be entitled to certain prize-money for service done on board his Majesty's ship Terpsichore, in order to receive certain prize-money, supposed to be due and payable for and on account of the services of the said William Wheeler. 2° For forging, 3° and uttering, a certain paper writing, purporting to be an authority from one William Wheeler, a person supposed to be entitled to certain prize-money on board of the said ship Terpsichore, in order to receive such prize-money, supposed to be due to the said William Wheeler as aforesaid, as follows; "I do hereby authorize all whom it may concern to pay to the order of Mr. J. Jacob, No. 2, St. George-square, Portsea, navy agent, the prize-money due to me as a marine on board his Majesty's ship Terpsichore, for the capture of all prizes between 26 Nov. 1793, till 13 August 1798; dated 10 Jan. 1800; for which this shall be a sufficient warrant. Wm. his ✕ mark Wheeler." *Case:* the prisoner came to Judah Jacob's house, who was a navy agent at Portsea, and told his wife that his name was William Wheeler, and that he was entitled to prize from the Terpsichore: he produced a certificate to that effect, from which she filled up an order in the usual form, and gave it to him to take to the dock-yard to sign. He accordingly took it away, and afterwards brought it back (being the order set forth above), saying it had been signed by him, and a gentleman in the dock-yard had witnessed it; and, pleading distress, he received from her 5*s.* in advance. The certificate produced by the prisoner was proved to have been signed by the proper officer, but he did not know the prisoner's person at the trial. It appeared afterwards that his name was Brown. Being convicted on the two first charges; *Objected:* 1° that there was no evidence that William Wheeler ever served on board the Terpsichore in any capacity, or indeed that any such person existed. 2° That the personating intended by the statute was a personating in order to the party's personally receiving the money of those who had authority to issue it, and not, as in this case, an assumption of the character in the act of forging an authority for another to receive it, with intent to cheat such third person. 3° That there was an omission in the second count of the word "witness," under which the attesting witness's name was to have been written, which word was in the paper signed by the prisoner. *Held*, by the twelve judges, that the

(*m*) Sir Edward East states the principle of these cases, thus, "By the words of the several statutes of 31 G. 2. c. 10. s. 24. and 3 G. 3. c. 16. s. 6. the false personating must be done *in order to receive the wages*, &c. of some seaman, &c. *entitled or supposed to be entitled* thereto: there must, therefore, be some evidence to shew that there was such a person of the name and character assumed, who was either entitled, or might primâ facie at least be supposed to be entitled, to receive on board such a ship the wages, &c. attempted to be acquired." East P. C. c. 20. s. 4.

conviction was wrong; there being no evidence that there was any such person as William Wheeler, who either was entitled or at least primâ facie entitled to prize money, as a seaman on board the Terpsichore. Rex *v.* Brown, East P. C. c. 20. s. 4; Winchester Spring Ass. 1800.

(2) A similar case of one Charles M'Annelly was submitted to the consideration of the judges at the same time, and received a like determination. Rex *v.* M'Annelly, East, ubi supra.

(3) Indictment on 57 G. 3. c. 127. s. 4. for personating and assuming the name and character of Peter M'Cann, a person entitled to prize-money for and in respect of his services performed on board a ship of his Majesty called the Tremendous, in order to receive such prize money, with intent to defraud the commissioners and governors of Greenwich hospital. A second count described Peter M'Cann as a person supposed to be entitled, &c. for services supposed to have been performed. *Case:* it appeared by the prize-list and muster-book of the Tremendous, produced by the proper officers from Greenwich hospital, that there was a person of the name of Peter M'Carn entitled to prize-money, but no person of the name of Peter M'Cann. The judge, at the trial, inclined to direct an acquittal upon the variance in the name; but he ultimately left the case to the jury, directing them to say whether the prisoner intended to personate Peter M'Carn. The jury found that he did so intend, and convicted him. The twelve judges are understood to have determined that the conviction was wrong. Rex *v.* Tannet, Russell, 1596, 1597; cor. Wood, B. Kent Lent Ass. 1818.

1197. Where a variety of steps must be taken in order to receive, taking any steps of the series is an endeavour to receive within the expression of the 31 G. 2. c. 22. s. 77—'or shall falsely and deceitfully personate any true and real proprietors of the said shares in stock annuities and dividends, or any of them, or any part thereof, and thereby transferring or endeavouring to transfer the stock, or receiving or endeavouring to receive the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof;' notwithstanding its immediate object and consequence may be, not the acquisition of money, but something intermediate and preliminary thereto: since the character of an action is altogether determined by its final cause, which, in the present case, is the receipt of money. Rex *v.* Parr, Leach, 434; East P. C. c. 20. s. 2.

31 G. 2. c. 22. s. 77. Endeavour to receive.

Indictment on 31 G. 2. c. 22. s. 77, against Parr, for personating Hart, the real proprietor of 3,900 *l.* capital stock in the 3 per cent consol. ann.; and thereby endeavouring to receive 58 *l.* 10 *s.* half-a-year's dividend on the said stock, being the money of the said J. H. *Case:* the prisoner applied to the clerk, whose business it was to issue the dividend warrants upon that stock, in the name of Isaac Hart, for a warrant for half-a-year's dividend. The words used by the prisoner were, "Isaac Hart, 3,900 *l.*;" and he signed the book, "Isaac Hart." Being asked of what place, he said of Windsor; which agreeing with the description in the book, a warrant was made out for 58 *l.* 10 *s.* to which he again signed "Isaac Hart;" and which was then delivered to him, and entitled the bearer to receive that sum at the pay office. He was apprehended some minutes after, without its appearing that he had made any application at the pay office, or had even gone towards it, or taken any step whatever after receiving the dividend warrant towards obtaining the actual payment of the money made payable thereby. *Objected:* that this was necessary to the completion of the offence. *Held*, by the twelve judges, that the proceeding amounted to an endeavour to receive the money of J. H. within the true meaning of the act. If the prisoner had actually received the money, he would have accomplished the mischief against which the legislature intended to guard; and then no possible doubt could have existed with respect to his guilt. The legislature intended to prevent the completion of this mischief, if possible, by prohibiting even the endeavour to obtain the property of others in the funds; and the question is, whether the prisoner did take any steps for this purpose. But the very statement of the facts shewed, that by personating the proprietor, and by obtaining and indorsing the warrant as such, he thereby made an endeavour, as far as it went, towards receiving the dividend. Rex *v.* Parr, East P. C. c. 20, s. 2; Leach, 434; cor. Adair, Rec. O. B. Jan. 1787.

1198. With respect to the 31 G. 2. c. 22. s. 78, vide supra, pl.

1199. The stat. 12 G. 3. c. 48. s. 1. makes it penal 'to cut, tear, or get off a stamp from one piece of paper, with intent to use the same for any other writing, in respect whereof duties are payable.' This expression, *with intent to use the same for* any other writing liable to duty, seems to mean, not for the mere purpose of annexing it to any other writing liable to duty, but for the purpose of making use of and giving effect to that writing; and likewise with intent to use it one's self, not that it may be used by another, who, for want of privity, cannot be considered as one's agent. Rex *v.* Field, Leach, 383.

12 G. 3. c. 48. s. 1. Transposition of stamps.

Infra, pl. 1200.

1200. For where on an indictment for taking off a stamp from one writ with intent to use it on another, the facts were, that the prisoner, having transposed the stamp, sold the writ to a law stationer, with intent that the same should be used by such persons as should purchase the same, but not with the intent of using it himself; an objection, that it could not be said that the sale was made

with an intent to use the stamp in the manner which the act describes, seems to have been allowed. Rex *v.* Field, Leach, 383. (*n*).

Indictment on the 12 G. 3. c. 48. for that the prisoner having in his possession a bill of Middlesex, on which there was a certain stamp denoting that the duty of sixpence, sixpence, sixpence and sixpence, had been duly paid, did take off the said stamps with intent to use them on another bill of Middlesex. *Case:* there are two dies kept at the stamp office for the purpose of stamping bills of Middlesex; the one denoting the four sixpenny duties imposed by the statutes then in force; the other denoting an additional sixpenny duty imposed by the 23 G. 3. c. 58; and since this last act, all bills of Middlesex are impressed with both dies, together denoting payment of the five sixpenny duties. The prisoner, a bailiff's follower, had served one Higgins with a copy of a bill of Middlesex, and had afterwards sold to a law-stationer two blank bills of Middlesex, and one blank latitat, to which were affixed two stamps, one denoting that four sixpenny duties had been paid, and another denoting that one sixpenny duty had been paid; and it was sworn, that these two stamps had been transposed from other writs of the same kind. Several old writs, and among them the bill of Middlesex with the copy of which he had served Higgins, with the stamps taken off, were found in his lodgings; but no proof could be given that the stamps which were taken from these writs had been legally stamped at the stamp office. *Objected:* 1° The indictment charges the prisoner with having in his custody a process of our lord the king, &c. which appeared to have been before then duly issued against Higgins; and such a writ is indeed produced; but it has not been proved that any such writ was ever legally stamped at the stamp office, or that it duly issued; and it is called a process, a term of which no mention whatever is made in the statute on which the indictment is founded. 2° The indictment charges the prisoner with having taken off a stamp denoting that four sixpenny duties had been paid, with intent to affix them to another writ, for the purpose of defrauding the king; but the evidence is that he took off five sixpenny stamps, and as it appears that there must be the five stamps to effect the fraud, the offence in the act of parliament is not described by the charge in the indictment, that he transposed four sixpenny stamps only. 3° The only evidence to affect the prisoner is, his selling the writs to the stationer; but the statute is silent as to uttering, vending or exposing to sale; and in so penal a case as this, it would violate all the known rules of construction to say, that this sale was made with an *intent to use* the stamp in the manner which the act describes. The court left it to the jury to consider, 1° whether the bill of Middlesex against Higgins was ever legally stamped. 2° If it was, whether the prisoner ever took off that stamp. 3° If he did, whether he took it off with intention to use it on a bill of Middlesex or a latitat. 4° If they thought him guilty, whether he took the stamp off and sold it with intention that it should be used by himself or others, for the purposes stated in the indictment. The jury found him guilty; that he took off the stamp from the bill of Middlesex mentioned in the indictment, and affixed it to a piece of parchment, purporting to be another process of the same kind, which he sold with others to the stationer, with intent that the same should be used by such persons as should purchase the same, but not with intent of using it himself. On a reference to the twelve judges, the prisoner was discharged. Rex *v.* Field, Leach, 383; cor. Adair, Rec. O. B. May 1785.

1201. With respect to the 18 G. 3. c. 18. vide supra, pl. 1185.

Construction of the term "paper liable to duties."

1202. The 23 G. 3. c. 49. s. 3. after enacting, that "for every piece of paper upon which any receipt shall be written," a certain stamp duty shall be charged, by section 20. makes it penal to utter "any paper liable to the said duties" with a counterfeit stamp thereon. This expression, "paper liable to the said duties," means paper prepared and destined for those instruments in respect of which duties are imposed. No paper is originally liable to duty; it becomes so only on being destined and set apart for a particular purpose; of its having been so destined, impressing it with a counterfeit stamp is a proof; and that fact being established, its liability to duty follows of course. Rex *v.* Palmer, Leach, 352; East P. C. c. 19. s. 19 (1). Rex *v.* Jones, Leach, 356 (2).

(1) Infra. pl. 1203. (2) Infra, pl. 1203.

1203. Hence, where a prisoner indicted under this statute for uttering "1,000 pieces of paper liable to the said duty," with a counterfeit stamp upon each, objected, that as one particular piece of paper could not be liable to

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(*n*) The objection assumes, that the mere act of taking off the stamp with intent to *transpose* it, was not an offence against the act; since, had the contrary been admitted, it would have been useless to have inquired into after events. The learned judge too, in summing up, admitted the assumption; since he put it to the jury, whether the prisoner took the stamp off, and sold it, with the intention that it should be *used* by himself or others.

It is observable, that the words of the act are—"with intent to use the stamp *for* any other writing;" and that the words of the indictment, as reported, are—"with intent to use such stamp *on* another writ." If the report be correct, it may be doubtful whether any question of construction was fairly raised. An intent to use the stamp *on*, and an intent to use it *for*, another writing, are not, it seems, convertible terms; in that the former contemplates a using subsequent to transposition; the latter a transposition only. This would render the indictment defective.

The report is not very distinct; and quære, therefore, upon what ground the case proceeded.

any of the duties more than another, it would follow, that all the writing paper in the world might be considered as "paper liable to duties;" that this construction being absurd, and leading to consequences which the legislature could not have designed, rendered the act inoperative in this particular; the objection was over-ruled. Rex *v.* Palmer, Leach, 352; East P. C. c. 19. s. 19.

Indictment on the 23 G. 3. c. 49. s. 20, which enacts, that if any person shall forge or counterfeit any stamp or mark, directed or allowed to be used by the act for the purpose of denoting the duties therein mentioned, with intent to defraud his majesty; or shall utter, vend, sell, or expose to sale any paper liable to the said duties, with any counterfeit mark or impression thereon, he shall be guilty of felony sans clergy. The first count, after stating that a certain stamp was provided by the statute for stamping every piece of paper upon which any receipt upon the payment of money amounting to 2*l.* was written with a stamp of 2*d.*, stated that the prisoner, intending to defraud the king of the duty, uttered and exposed to sale to H. G. 1,000 pieces of paper liable to the said duty of 2*d.*, with a counterfeit impression upon each and every one of the said pieces of paper resembling the impression of the said stamp then used. The second count was like the first, only the words "liable to the said duty of 2*d.*" were omitted. *Objected:* upon the construction of the words in the statute "paper liable to the said duties;" which, it was contended, were entirely void of the precise sense and definition to which they were applied, and incapable of any construction within the possible intention of the legislature upon this subject. *Held*, by ten judges (absent two), that the statute warranted the indictment. That the difficulty arose from the penning of the act of parliament, and not from the indictment, which seemed to be properly drawn. The objection was founded on the supposed inaccuracy of the sentence "paper liable to the duties," which in this case the indictment had properly and necessarily applied to the particular duty in question, namely, the duty of 2*d.* on receipts. It had been asked, what was meant by paper liable to the duties; and how could one piece of paper be said to be liable to any of the duties more than another. But there are two rules by which the expressions of the legislature are to be interpreted: 1° If any part of an act of parliament is penned obscurely, and other passages in the same act will elucidate that obscurity, recourse ought to be had to such context for that purpose. 2° If there are several acts upon the same subject, they are to be taken together as forming one system, and as interpreting and enforcing each other. Accordingly, an attentive consideration of the act in question, together with a subsequent statute 24 G. 3. c. 7. in pari materiâ, would help to make it clear; and that from a collection of passages in the two acts it would appear, that those words were not to be taken in the large and absurd sense of all the pieces of paper on which receipts and the other instruments mentioned in the 23 G. 3. might be written; but such pieces as were destined or prepared for those uses: if genuine, then such as by the 14th sect. were ordered to be brought to the office to be stamped before they were written upon: if false, then such pieces of paper as having stamps resembling the true ones upon them purporting to be papers duly stamped, and as such liable to the said duties. That it was to be observed, that sect. 14th of 23 G. 3. c. 7. expressly required, that the papers on which the instruments were to be written should be first duly stamped, and the stat. 24 G. 3. c. 7. made the writing of the instrument upon it penal (by a forfeiture of 5*l.*) if it were not so, or unless a stamp resembling the true one appeared upon it; (a most equitable exemption if the party were innocent.) When that deception appeared upon the face of the paper, the parties giving and taking it (being innocent) were persuaded that it was duly stamped; and if afterwards the fraud were detected, every one must say that the paper, being prepared and destined for a receipt to be written upon it, was liable to the duty signified by the counterfeit mark, and ought to have been stamped accordingly. It appeared to the judges, therefore, that the words "paper liable to the said duties" were to be applied according to the subject-matter to such paper, which, from the counterfeit mark upon it, appeared to be prepared to be used as if the mark were genuine for a receipt, and consequently was liable to the duty. It also appeared to some of the judges, that the second count, which omits the words "liable to the said duties," was sufficient; for it was a charge of fraudulently uttering, &c. paper with a counterfeit impression resembling the said stamps used in pursuance of the statute; and this in substance was a charge of its being paper denoted by the said impression to be destined for writing receipts, and as such being paper liable to that duty. Rex *v.* Palmer, East P. C. c. 19. s. 19; Leach, 352; cor. Adair, Rec., O. B. Dec. 1784.

1204. And the word "said duties," in the plural, must be taken disjunctively, and will therefore apply to paper made liable to any one of the various duties imposed: since there is no paper liable to all the duties collectively; and this, therefore, is the only construction that will give the provision a reasonable and definite operation. Rex *v.* Palmer, Leach, 352; East P. C. c. 19. s. 19.

Supra, pl. 1203.

1205. Hence where a prisoner, indicted, as above, for uttering "1,000 pieces of paper liable to the said duty of 2*d.*," objected, that the words of the act were "paper liable to the said duties" in the plural, and so the indictment had not followed the words in the act descriptive of the offence; the objection was over-ruled. Rex *v.* Palmer, Leach, 352; East P. C. c. 19. s. 19.

Supra, pl. 1203.

33 G. 3. c 30. s. 2.

1206. The 33 G. 3. c. 30. s. 2. enacts, that If any person or persons shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or shall willingly act or assist in the false making, forging or counterfeiting of any transfer of any interest, part or share of or in any stock or stocks, annuity or annuities, or other funds transferrable, or which, by any act or acts of parliament, shall hereafter be made transferrable at the Bank of England, or of or in the capital stock belonging, or which hereafter shall or may belong, to the said governor and company of the Bank of England, called Bank stock, or shall utter or publish as true any such false, forged or counterfeited transfer as aforesaid, knowing the same to be false, forged or counterfeited, with intent to defraud the said governor and company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever; all and every person or persons whatsoever, so offending, shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Attestation to transfer of stock not necessary.

1207. A transfer of stock, though not attested, is a complete instrument: since attestation forms no part of the instrument itself, and is only required, ex abundanti cautelâ, by direction of the Bank for their own protection. Rex *v.* Gade, Leach, 732; East P. C. c. 19. s. 4.

Infra, pl.

Acceptance of stock by the dupe not necessary.

1208. The offence of forging a transfer of stock within this enactment is complete, notwithstanding the party (the assignee of the stock) whose name is forged, had not accepted it at the time: since even admitting (what seems to be immaterial) that his being proprietor was essential to the offence, he became such by the mere act of transferring the stock into his name. Rex *v.* Gade, Leach, 732; East P. C. c. 19. s. 4.

Infra, pl.

Nor that he is proprietor.

1209. It seems, too, that the offence of forging a transfer of stock within this enactment is complete, notwithstanding the party whose name is forged has no property therein: since as forgery consists in impressing an instrument with a fictitious character, and as whether it wears that character must altogether depend upon its own appearance, its nature cannot be influenced by matter dehors. Rex *v.* Gade, Leach, 732; East P. C. c. 19. s. 4.

Infra, pl.

Scrip receipt.

1210. Where an act for raising a loan, (the 36 G. 3. c. 74. for example), entitles the subscriber to different species of stock, and makes it penal to forge a receipt *for the whole of or any part or parts of the said contribution,* a scrip receipt for the purchase of one species only is within the statute: since it is a receipt for "a part of the said contribution." Rex *v.* Reeves, Leach, 808.

Infra, pl. 1211.

1211. So where it provides, that *the money to which the subscribers shall become entitled shall be added to and be deemed part of the fund consolidated by specified statutes, and by several subsequent acts*; a scrip receipt entitling the subscriber to stock consolidated *by the specified statutes, and by several subsequent acts,* sufficiently designates that the receipt is for a subscription under the act for raising the loan: since this statute is *a subsequent act* to those specified, and therefore included by the terms of the receipt; and no reason can be given for limiting their signification, as they are limited in the statute itself. Rex *v.* Reeves, Leach, 808.

Indictment on the 36 G. 3. c. 74. s. 22, for forging and uttering a scrip receipt. *Objected*, the receipt charged as forged is not a receipt within the act, for two reasons. 1° To constitute an offence within this act, the receipt charged to be forged must purport to be a receipt for a subscription or

contribution made for the purpose of purchasing the annuities therein described. The statute, after reciting the resolution to raise 7,500,000 *l.* by annuities, enacts, that every contributor towards raising the said sum shall, for every 100 *l.* contributed and paid, be entitled to the principal sum of 100 *l.* in the 3 per cent consols, and to an additional principal sum of 20 *l.* in like annuities; and also to a further principal sum of 25 *l.* in 3 per cent reduced annuities; and also in respect of every such 100 *l.* so contributed, to a further annuity of 5 *s.* 6 *d.*, to continue for such a term. That all monies to which any person shall become entitled by virtue of the act, in respect of any sum contributed towards the 7,500,000 *l.* on which the said respective annuities first-mentioned, after the rate of 3 per cent per annum, shall be attending, shall be added to the joint stock of annuities transferrable at the Bank of England, into which the several sums carrying 3 per cent interest were, by the 25 G. 2. c. 25; 28 G. 2. c. 15; 29 G. 2. c. 7; 32 G. 2. c. 10; and 33 G. 2. c. 12; and by several subsequent acts consolidated, and shall be deemed part of the said joint stock of annuities, subject to redemption as in 25 G. 2. c. 25 is directed; and that every person, in proportion to the money to which he shall become entitled as aforesaid, by virtue of this act (36 G. 3. c. 74), shall have a proportional interest and share in the said joint stock of annuities at the rates aforesaid. The statute then proceeds in like manner, with respect to the 25 *l.* 3 per cent reduced annuities, to add the said annuities given by this act to the joint stock of annuities which were reduced from 4 to 3 per cent by the 23 G. 2. c. 16; and with respect to the 5 *s.* 6 *d.* long annuities, to add the said annuities to and to make one joint stock with the annuities created by the 1 G. 3. c. 18, and 2 G. 3. c. 10. These several annuities, therefore, are not only original in themselves, so far as they respect the loan of 7,500,000 *l.* to be raised by the present act, but are perfectly distinct from and independent of each other. The statute cannot, by any possible construction, relate to any other subscription or contribution, or be intended to apply to any other funds or stocks than those by which the loan was to be raised and secured. A receipt, to fall within the description of the offences created by this act of parliament, must be for one or other of the annuities therein described; but by adverting to the terms of the present receipt, it will appear to have been given for quite a distinct and different annuity. It is a receipt for a subscription of 670 *l.* for the purchase of 1,000 *l.* in the old stock, which had been consolidated by the former acts of parliament. To have brought it within this statute, it ought to have been, at least, for the sum to be created into stock by this new act, and added to the old stock; whereas it is a receipt for 1,000 *l.* in a stock which has been long consolidated, and which this act does not authorize the sale of. The difference is certainly great between a receipt given for 1,000 *l.* 3 per cent annuities, consolidated so long ago as the 25, 28, 29, 32 & 33 G. 2, and for 1,000 *l.* of the like stock consolidated in the 36 G. 3. 2° There is also another ground upon which this receipt cannot be considered a receipt within the act. Every person subscribing to the loan is entitled to three different species of stock; viz. consols, reduced, and long annuities, in proportion to every 100 *l.* subscribed. But the present receipt is a receipt for money subscribed for the purchase of consols only. The receipt must be according to the terms of this act; and, therefore, ought to have been a receipt for so much money for which the party was entitled to such a quantity of 3 per cent consols, to such a quantity of 3 per cent reduced, and to such a quantity of long annuities. The Bank of England may possibly, for the conveniency of the public, find it necessary to give separate receipts; but such a practice, if it really exist, has not been proved in the present case; nor can the Bank, by any particular mode which it may adopt for the purpose of transacting more conveniently this sort of business, bring any person within the penalties of this act. The *Court:* This objection seems to have been conceived upon a partial reading of the receipt, for if the whole of it be attended to, it will be impossible to say that sufficient does not appear on the face of it to shew that it is for monies subscribed under the present statute. It begins, "Loan 1796, for 7,500,000 *l.*—1,000 *l.* 3 per cent annuities 1796, to be added to consolidated 3 per cent annuities 1138, by virtue of a resolution of the House of Commons, for raising 7,500,000 *l.* for the service of the year 1796." It then, as set out in the indictment, goes on, "Received of Ellis Vere, esq. the sum of 67 *l.* for a deposit of 10 *l.* per cent upon the 670 *l.* subscribed by him in pursuance of the above said resolution; and upon due payment of the remaining 90 *l.* per cent of the said sum of 670 *l.*, the said subscriber, or his assigns, by his or their indorsement thereon, will, in exchange for this receipt, become entitled to 1,000 *l.* joint stock of 3 per cent annuities, which were consolidated at the Bank of England by certain acts made in the 25, 28, 29, 32 & 33 of G. 2. and by several *subsequent* acts." Now the 36 G. 3. c. 74. upon which the present indictment is founded, is surely one of the *subsequent* acts mentioned in the receipt by which these annuities have been consolidated, and sufficiently shews that the receipt is for monies subscribed and contributed under it. But it is said, that the receipt ought to pursue the very terms of the act, and that the proportion of each annuity to which the subscriber is entitled ought to be inserted therein, according to the amount of his subscription. The clause of the statute which creates the present offence, enacts, "that if any person shall forge any receipt for *the whole* of, or *any part or parts of*, the said contribution," &c. And does not this receipt appear to be for a part of this contribution? The Bank, there is no doubt, does its business correctly. The conveniency of giving separate and distinct receipts is very great. It affords every individual an opportunity of purchasing into whatever fund he likes best. The receipt is unquestionably a receipt within the meaning of this act of parliament. Rex *v.* Reeves, Leach, 808; cor. Lawrence, J., Heath, J. and Thompson, B., O. B. Jan. 1798.

1212. The 45 G. 3. c. 89. intituled, "An Act to alter and extend the provisions of the laws now in force for the punishment of the forgery of bank-notes, bills of exchange, and other securities, to every part of Great Britain (*o*)," 45 G. 3. c. 89. s. 1.

(*o*) Professor Hume observes, that this statute (45 G. 3. c. 89) extends in express terms to every part of Great Britain; as, indeed, it was passed for the very purpose (inter alia) of applying the enactments of several prior statutes, which did not relate to Scotland. But in the case of Thomas Gray, 1814, who was

after reciting (inter alia) the titles of the 2 G. 2. c. 25. and 7 G. 2. c. 22. and that "it is expedient that such provisions should extend and be in force in every part of Great Britain, with such alterations and amendments therein as are hereby made," enacts, that If any person or persons shall falsely make, forge, counterfeit or alter, or cause or procure to be falsely made, forged, counterfeited or altered, or willingly act or assist in the false making, forging, counterfeiting or altering any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acceptance of any bill of exchange, or any acquittance or receipt either for money or goods, or any accountable receipt for any note, bill or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever; or shall offer, dispose of, or put away any false, forged, counterfeited, or altered deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acceptance of any bill of exchange, acquittance or receipt either for money or goods, accountable receipt for any note, bill, or other security for payment of money, warrant or order for payment of money or delivery of goods, with intention to defraud any person or persons, body or bodies politic or corporate, knowing the same to be false, forged, counterfeited or altered, then every person or persons so offending, and being thereof lawfully convicted according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

SECTION III.

Of the Criminal Intention at Common Law.

Is essential.

1213. An evil intention is essential to forgery: that term having entered into the original idea of the crime.

1214. And therefore if A, with the assent of B, execute a bond in B.'s name, it is not forgery: for the act was not done with an evil intention. 1 Hawk. c. 70. s. 3. (*a*).

1215. So, primâ facie, it is not forgery in an obligee to substitute a smaller sum for that in the obligation, thus, marks for pounds: the presumption being that he himself is the only loser. 1 Hawk. c. 70. s. 4. (*b*).

1216. But only primâ facie: for were it proved to have been done with intent to defraud (and the presumption thereby rebutted) it would be forgery. 1 Hawk. c. 70. s. 4. (*c*).

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was charged with being found in possession of two forged notes of the Bank of England, and two forged notes of the Bank of Scotland, each of them for 2*l.* the question occurred, in what sense and to what degree does this statute apply to Scotland. Whether to the case only of a person *within Scotland* being found in possession of forged Bank of England notes, or to the case also of forged Bank of Scotland notes being found here in the like state of possession. Upon the history of the several statutory provisions in that behalf, as well as on the words of the several clauses of the said last act, this question was attended with some difficulty; and the bench differed, accordingly, in their opinions on the subject. By the narrowest majority they found, however, "that the act of parliament libelled on extends to notes issued by the Bank of Scotland, as well as to the notes of the Bank of England." Gray was convicted, as to all the four notes libelled; and had sentence of transportation for fourteen years, in terms of the statute.

(*a*) "But it seemeth to be clear, that he who writes a deed in another's name, and seals it in his presence, and by his command, is not guilty of forgery, because the law looks on this as the other's own sealing." 1 Hawk. c. 70. s. 3.

(*b*) See the note to the next placitum.

(*c*) "Also it hath been adjudged, that he shall not be punished for forgery who raseth the word *libris* out of a bond made to himself, and putteth in *marcis*, because here is no appearance of a fraudulent design

1217. And the evil intention must be to defraud (*d*): the first notion of forgery (which, in this respect, has not been enlarged,) having annexed to the crime this particular intention. 1 Hawk. c. 70. s. 3. (*e*); sed vide Introduction. And must be to defraud.

1218. So that fabricating another's signature to a traitorous letter, with the view of bringing his life into jeopardy, is not forgery.

1219. An intention to defraud a private individual, and an intention to defraud a public association, are upon a similar footing: the latter being equally within the mischief and definition of the crime. Rex *v.* Jones and Palmer, Leach, 366. Intent to defraud a public association.

Infra, pl. 1220.

1220. Hence, where by the constitution of a voluntary association a fund was to be raised by subscription, and divided amongst the stewards, to be applied by them in charitable purposes; a fictitious instrument, framed with intent to obtain a donation from the stewards, was held to be a forgery. Rex *v.* Jones and Palmer, Leach, 366; East P. C. c. 19. s. 60.

Indictment for forging an indenture of apprenticeship, and also a receipt for money, with intent to defraud A. and B. the stewards of the Feast of the Sons of the Clergy. *Case:* The charitable fund of the Sons of the Clergy is raised by voluntary contributions, and allotted by the secretary equally among all the stewards, to be disposed of by them to the widows and children of deceased clergymen, according to their discretion. The prisoner Jones was a clergyman's widow, and pretending by means of these indentures, and the receipt indorsed thereon, that she had placed her son as an apprentice, she obtained, in concert with the other prisoner, an order from one of the stewards on the treasurer of the society for 20*l.* as an apprentice fee. *Objected:* that the offence amounted only to a misdemeanor at common law; and that this was not such a species of property as fell within any of the acts relating to forgery. *Held:* that forgery is the false making of an instrument, which purports on the face of it to be good and valid for the purposes for which it was created, with a design to defraud any *person* or *persons*. A corporation is a *body politic*; and to prevent a doubt, whether the aggregate members of such a body were included under the words *person* or *persons*, the stat. 31 G. 2. c. 22. s. 78, and 18 G. 3. c. 18, were made; for where there is an incorporation, the money becomes the property of the whole body, and not of the individual members who compose it. But in the present case, the several stewards are the absolute owners of their respective shares of the fund; it is their money; it is put into their hands upon a trust; and if they were to sink it improperly, or to pay it wrongfully, they would perhaps be answerable; but, except as against the subscribers, it is unquestionably their money as against all the world. Rex *v.* Jones and Palmer, Leach, 366; East P. C. c. 19. s. 60; cor. Eyre, B.; O. B. April 1785.

1221. In like manner, an intention to defraud a private individual, and an intention to defraud a corporate body, are upon a similar footing: the latter being equally within the mischief and definition of the crime. Or corporation.

1222. It likewise seems, that an intention to defraud a private individual, and an intention to defraud the community itself in its aggregate capacity, are upon a similar footing: the latter being equally within the mischief and definition of the crime. Or the community at large.

1223. It seems, too, that no difference obtains between an intention to defraud some individual, associated body, or corporation in particular, and an intention to defraud any individual, associated body, or corporation that may chance to offer itself: the latter being equally within the mischief and definition of the crime; and, moreover, since an intention aimed at any of the number is aimed at each in particular, the latter implies the former. Need not be aimed at any one in particular.

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design to cheat another, and the alteration is prejudicial to none but to him who makes it, whose security for his money is wholly avoided by it; yet it is said, that it would be forgery, if by the circumstances of the case it should any way appear to have been done with an eye of gaining an advantage to the party himself, or of prejudicing a third person. Also it is holden that such an alteration, even without these circumstances, is a misdemeanor, though it be no forgery." 1 Hawk. c. 70. s. 4.

(*d*) Professor Hume observes, that by the Scotch law the making and uttering of the deed must be felonious, or with an intention to injure. Thus it is not forgery, that to accommodate another who cannot write, and at his desire, one signs a draft or receipt in the name of that other; as often happens in the lower ranks of life. There is no imposition here either done or intended. Mackenzie takes notice of such a case, which had fallen under his own observation. On the other hand, the law understands it to be fraudulent, and to the prejudice of another, if there be a purpose to gain any sort of advantage by the falsehood, though this should not amount to the cheating him out of the sum or thing to which the writing relates. Thus it is forgery (though the excuse might possibly be considered in the sentence) to frame a false bill, bond or other voucher for a debt, be it ever so just, or a discharge for money which was truly paid, but the payment forgotten to be vouched; for still the offender has made a false deed, and is thus far benefitted, and the other party prejudiced, as he has now written evidence of the state of the transaction, and enjoys therein that security which he coveted, and thought worth attaining at such a hazard.

(*e*) Supra, the note to pl. 1214.

1224. And indeed it has been observed by a great lawyer, that it is no answer to a charge of forgery to say, that there was no special intent to defraud any particular person, because a general intent to defraud is sufficient to constitute the crime: for if a person do an act, the probable consequences of which are to defraud, it will, in contemplation of law, constitute a fraudulent intent. Shepherd, arguendo, 3 T. R. 176.

Nor at any particular object.

1225. The ends, likewise, which the fraudulent intention may contemplate, are of no importance: since its nature or quality must remain essentially the same, however diversified its object.

1226. An intention, therefore, to defraud with a view to one's own advantage, and an intention to defraud with a view to another's prejudice, are upon a similar footing.

Nor to be attained in any particular mode.

1227. It is immaterial, likewise, whether the intention is meant to be accomplished in a particular mode, or in any mode whatever that opportunity may supply: since in either case the mischief is the same, and either case, alike, within the terms of the definition; not to mention, that as the end itself need not be attained, the means must necessarily be matter of indifference.

Must be coeval with the fabrication.

1228. The fraudulent intention must continue down to the time of fabrication: since the qualities of a crime must be coeval with each other.

1229. And therefore if A. with a fraudulent intention, direct another to do, in his name, what in law is a forgery, and before it is accomplished gives evident proof (as by going before a magistrate) of his repentance; a subsequent fabrication by the agent, pursuant to the original direction, will not be forgery in A.

Consciousness an immaterial circumstance.

1230. Certain essentials (the falsity of the writing, its verisimilitude to a genuine instrument, and so forth) are essential to the crime of forgery. Now, in point of fact, though the essentials may exist, yet may their existence be altogether unknown to the forger; when the question arises whether the crime is complete.

1231. At common law, the consciousness or unconsciousness, the knowledge or ignorance of the forger, is a circumstance wholly immaterial: since in either case alike are the mischief and guilt the same.

1232. And therefore if A. intending to defraud B. forge what he erroneously believes to be a defective instrument, the crime is nevertheless complete.

SECTION IV.

Of the Criminal Intention by the Statute Law.

Corporation not a person.

1233. A CORPORATION is not a "person." A provision, therefore, against defrauding "any person," will not protect a corporate body. Rex *v.* Harrison, Leach, 180; East P. C. c. 19. s. 36.

Indictment upon 7 G. 2. c. 22. for forging a receipt with intent to defraud, 1° the London Assurance Company; 2° the Bank of England. *Objected:* that the 7 G. 2. makes it felony to forge such receipt with intent to defraud *any person*; that a company or corporation was not a person, and that the legislature had so decided by passing the 31 G. 2. c. 22. s. 78; which, after reciting that doubts had arisen whether the word *person* in the 2 G. 2. c. 25. extended to corporations or companies; enacted, that they who were convicted of the offences in that statute should have the same punishment if they committed them against a company or corporation as if against any person; but it did not mention the offences comprised in the stat. 7 G. 2. *Held*, by the twelve judges, that the objection was good. Rex *v.* Harrison, East P. C. c. 16. s. 36; Leach, 180; cor. Blackstone, J.; O. B. Sept. 1777 (*a*).

Consciousness.

1234. It is observable, that statutes, on some occasions, make knowledge essential to forgery: though it should seem from inadvertence, not from design.

(*a*) The 18 G. 3. c. 18, enacts, that persons guilty of the several species of forgery mentioned in the 7 G. 2. c. 22, with intent to defraud any corporation, shall suffer death as felons, sans clergy.

1235. And to the crime of uttering (with some others) it is usually made essential: and when not expressed, seems, from the reason of the thing, to be implied.

1236. And in relation to uttering, it has been said, that notice is knowledge.

1237. So that if one, truly informed by another that a writing is a forgery, afterwards publish it as true, he is in danger of the statutes. Gresham or Marsham's case, 1 Hale, 685; 3 Inst. 170. in marg. (1); 3 Inst. 172 (2).

(1) If A. forges a deed, and B. tells C. that the deed is forged, and yet C. publisheth it, it was resolved to be within the statute (5 Eliz. c. 14.) in Gresham's case. P. 38 Eliz. Cam. Stellata.

(2) This knowledge (that the thing uttered is forged) may come by two means, either of his own knowledge, or by the relation of another. As if A. telleth B. that such deed is false and forged, and yet B. will after pronounce or publish this to be a true deed, and afterwards it falleth out by proof that the relation of A. was true, and the deed in truth was forged, B. is in the danger of this statute: and so was it resolved in the above-said case of the lady Gresham, against Roger Booth, &c. ubi supra, and sentence given accordingly. 3 Inst. 172.

1238. Each case, however, must depend upon this—whether there are grounds for presuming that the utterer believed in the falsity. 1 Hale, 685 (*b*).

1239. The avoidance under the 8 H. 6. c. 12. (supra pl. 1091.) must be done voluntarily: since the statute so requires it. 3 Inst. 72 (1); 1 Hale, 650 (2). 8 H. 6. c. 12.

(1) To the words *be willingly stolen*, Lord Coke subjoins, "In the indictment upon this statute, besides felonice, this word 'voluntarie' must of necessity be used to agree with this act." 3 Inst. 72.

(2) Lord Hale's words are, "The offence must be done voluntarily as well as felonice." 1 Hale, 650.

1240. And feloniously: since as the crime is felony, all circumstances necessary to a common-law felony, not being excluded, are implied in the enactment. 3 Inst. 72. (1); 1 Hale, 650 (2).

(1) Supra, pl. 1239. (2) Supra, pl. 1239.

1241. The provisions of the 78th section of the 31 G. 2. c. 22. (supra, pl. 1164. extending the protection of the 2 G. 2. c. 25. to corporations), being silent as to offences under the 7 G. 2. c. 22. (supra, pl. 1184.) did not extend to those offences when done with intent to defraud a corporation; as, by the 18 G. 3. c. 18. (supra, pl. 1185.), they are now made to do. Rex *v.* Harrison, Leach, 180; East P. C. c. 19. s. 36. 7 G. 2. c. 22.

Supra, pl. 1233.

1242. Hence, where an indictment on the 7 G. 2. (which punishes the crimes therein specified, when done with intent to defraud any "person,") charged the intention to have been, to defraud the Bank of England and the London Assurance Company, an objection that the statute did not, in itself, extend to corporations, was allowed. Rex *v.* Harrison, Leach, 180; East P. C. c. 19. s. 36.

Supra, pl. 1233.

SECTION V.

Of Modes of Fabrication at Common Law.

1243. THOUGH an intention to defraud is essential to forgery, yet without a fabrication the crime is incomplete; not merely as a medium to prove the intention, since then any other medium would, as it will not, be sufficient, but as a circumstance essential to the crime. Fabrication is essential.

(*b*) "But," says Lord Hale, "it seems to me, though such a relation may be an evidence of fact to prove his knowledge, yet it is not conclusive, though perchance de facto the deed be forged; for possibly there might be circumstances of fact, that might make the person relating it, or his relation, not credible; so that the knowing must upon the whole matter be left to the jury upon the circumstances of the case, and therefore the case of Gresham being in the Star Chamber, where the lords are judges of the fact upon the evidence, is no authority in this case." 1 Hale, 685.

1244. And therefore if A. pass off the note of an insolvent, under a representation of its being the note of an eminent banker of the same name, he is not guilty of forgery: since there has been no fabrication. Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 229.

Infra, pl. 1245.

1245. So where Hevey was indicted for forging a note in the name of M^c^Carty, and the facts were, that the note was made by M^c^Carty as his own, but passed off by Hevey under a representation that he himself was M^c^Carty, the maker, he was acquitted. Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 220.

Indictment against Hevey, on the 2 G. 2. c. 25, for forging an indorsement, and for uttering a forged indorsement in the name of Barnard M^c^Carty on a bill of exchange, purporting to have been drawn by one Jer. Connell, for Smith, Moore & Co. and directed to Richard Beatty & Co. London, payable to one Barnard M^c^Carty, or order. *Case:* the prisoner came to the prosecutors' shop, pawnbrokers, to buy a watch, and offered the bill in question, with the indorsement then written on it. They hesitated about taking it; but the prisoner told them it was a good bill, that his name was Barnard M^c^Carty, and he had indorsed it, and that Beatty & Co. by whom the bill purported to be accepted, were agents to the Bath bank. The pawnbrokers, still doubting, sent their servant to St. Helens, to inquire whether it were a good acceptance; and he being told that it was by a man whom he saw there, on his return the prosecutors let the prisoner have the watch, and gave him the difference of the bill. It further appeared, that the prisoner had procured the plate to be engraved some time before, containing the form of the bill in question, and had printed several hundred copies: that he had always been known by the name of John Hevey: that no such persons as Smith, Moore & Co. could be found in Bath; though there were such names put on the door of a house, but the person who had been there had ran away: there were also the names of Beatty & Co. on a counting-house door in Great St. Helens, and a man of the name of Beatty had lived there, who said he was a clerk, but he was since taken up and lodged in prison. It further appeared, that there was such a person as Barnard M^c^Carty, and that the indorsement was in fact of his hand-writing. The jury were directed, 1° that if they thought there was no such person as Barnard M^c^Carty, or that the indorsement was not his hand-writing, to find the prisoner guilty; 2° that even if they were satisfied of those facts, yet if they thought that the prisoner was not that person, but passed himself upon the prosecutors as such, to find him guilty; and the question, whether in point of law it was forgery should be submitted to the judges. The jury found the prisoner guilty; and the facts that there was such a person existing as Barnard M^c^Carty, and that the indorsement was of his hand-writing; but that the prisoner was not that person, but had passed himself upon the prosecutors as such at the time he tendered the bill in payment. *Held*, (by eleven judges, absent one) that in point of law the prisoner was not guilty of the offence charged upon him by the indictment. The 2 G. 2. c. 25, enacts, "that if any person shall *falsely make*, forge or counterfeit, or cause or procure to be *falsely made*, forged or counterfeited, or willingly act or assist in the *false making*, forging or counterfeiting any deed, &c.; or shall utter or publish as true, any *false*, forged or counterfeited deed, &c. knowing the same to be false, forged or counterfeited, then every such person, &c. shall be deemed guilty of felony, without benefit of clergy." There must therefore be a *false making* of some of the instruments mentioned in the act to constitute the crime of forgery; but, in the present case, the jury were satisfied, that in fact there was such a man as Barnard M^c^Carty; and that the name B. M^c^Carty upon the bill was of the hand-writing of that M^c^Carty. This, therefore, is not what the indictment charges it to be, a *false* instrument. Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 229; cor. Ashhurst, J.; O. B. Jan. 1782 (*c*).

Alteration—of a complete instrument.

1246. Not merely will a complete fabrication amount to forgery; any alteration of a genuine instrument, giving it a new and different operation to what it had before, will do so likewise; being equivalent in law to a fabrication of the whole, and rendering the instrument, in its altered state, the instrument of the forger in all its parts: since, having become a different instrument to what it was before, it cannot be the deed of the original maker; and as it must have an author, who can only be the forger, to him is it ascribable; and in all its parts, since whether we use our own hand, or whether we adopt the writing of another, the instrument is equally our own.

Of an incomplete instrument.

1247. For a similar reason, any alteration of a genuine instrument, before it is complete, giving it a different operation to what was intended, becomes, on its completion, a fabrication of the whole.

1248. Hence, where an attorney employed to draw up a will inserts legacies therein of his own accord; on its execution by the devisor, without knowledge of the addition, the whole will is a forgery, signature and all. Combe's case, Moore, 759, 760 (1); Noy 101 (2); 3 Inst. 170 (3).

(1) In Camera Stellata hoc termino, sur un bill de forgery vers Combes et auters p. supposed forgery d'un volunt de Richard Brokenbury jades un des ushers del roigne, fuit tenus p. Popham, Hemming et

(*c*) The prisoner, however, was detained; and at the same session, John Hevey and Richard Beatty were indicted with Barnard M^c^Carty, for a conspiracy to defraud, and were convicted. Ibid.

Yelverton, que d'omitter u. chose ou legacy hors d'un volunt, quel il est appoint d'inserter, n'est forgery. mes sil est direct de doner terre al un p. vie ove rem. al auter en fee, et il omit l'estate p. vie, per que le rem. prist effect p'sentment, ceo est forgery. Auxi p. eux, si un escria un volunt sans direction, et ceo amesne al devisor, et il ceo allow, cest bone; mes sil soit adonque de non sane memory, le volunt est void, unc. nest forfery: est sic adjudge. Et quia Combes fuit charge ove forgery il fuit de ceo cleare. Mes le filling up de blanks p. luy en temps quant Brokenbury ne fuit de sane memory fuit pense d'estre un misdemeanor sil sachast luy d'estre de non sane memory, sed le misdemeaner fuit pardon. Et les judges tiendront, que sane memory pur feazance d'un volunt n'est touts temps lou le party poit parler yea ou no, ou ad vie en luy, ne quant il poit en ascun choses respoigner over sense; mes il doit aver judgement a discerner et estre de p'fect memory, autrement son volunt est void. Per que le volunt fuit decreé et censure d'estre void. Combes' case, Moore, 759; East. 3 Jac. I.

(2) For forgery of a will of one Brokenbury, it was held by Popham, Hemming and Yelverton, that if he that writes a will omits a thing that was appointed to be put in, that is not forgery; but if the devise had been to A. for life, the remainder to B. in fee, and he that writes the will omits the estate for life to A. by which the fee is presently to B., that is forgery. Combes' case, Noy, 101; 44 Eliz.

(3) If any person, which writeth the will of a sick man, inserteth a clause in his last will concerning the devise of any lands or tenements, which he had in fee simple, falsely without any warrant or direction of the devisor; albeit he did not forge or falsely make the whole will, yet is he punishable by this statute (5 Eliz. c. 14.), as it hath been often holden in the Star Chamber against the opinion reported by my Lord Dyer.

Of a forged instrument.

1249. And, for a similar reason, any alteration of a forged instrument, giving it a different operation to what it had before, is, in itself, a distinct forgery. Rex *v.* Kinder, East P. C. c. 19. s. 4.

Infra, pl. 1250.

1250. As where the prisoner forged a deed conveying a life estate to B., and then altered the deed by enlarging the estate to a fee. Rex *v.* Kinder, East P. C. c. 19. s. 4.

Samuel Kinder procured a deed to be forged as from one J. Moore and his son, conveying a certain estate for life to Mary Kinder, and after the death of one of the supposed grantors he procured the forged deed to be altered by enlarging the grantee's estate to a fee; and was indicted and convicted for forging and uttering it in the state to which it was so altered; and held well by all the judges; for it was no less a forgery after than before such alteration. Rex *v.* Kinder, East P. C. c. 19. s. 4; at Nottingham Sum. Ass. 1800, and Mich. Term following.

Partial alteration.

1251. It is not necessary that the character of the instrument should, by the alteration, be entirely changed; notwithstanding its operation remains as before, yet if qualities are added which fit it more completely for the attainment of its end, the alteration is a forgery: since, to the extent of the addition, it has been impressed with a new and fictitious character, and its operation as an engine of fraud made more efficient. Rex *v.* Treble, Leach, 1040; 2 Taunt. 328.

Infra, pl. 1253.

1252. Any alteration, therefore, in a written instrument, giving it a degree of credit which it otherwise would not have possessed, (thus, making a note payable at a solvent instead of an insolvent house,) changes its character, and is therefore a forgery. Rex *v.* Treble, Leach, 1040; 2 Taunt. 328.

Infra, pl. 1253.

1253. Hence, where country bankers, on the failure of their London correspondent, at whose house their notes were made payable, by an alteration on the notes themselves changed the place of payment to a solvent house; a similar alteration made by the prisoner of one of the original notes, of which he had possessed himself, was held to be a forgery. Rex *v.* Treble, Leach, 1040; 2 Taunt. 328.

Indictment for forging and for uttering a forged promissory note as follows: "Fordingbridge, 1 July 1808. I promise to pay the bearer on demand 10 *l.* here, or at Messrs. Ramsbottom, Newman, Ramsbottom & Co. For Francis, John, and James Kelleway. John Kelleway." *Case:* the prosecutors, F. J. & J. Kelleway, bankers, at Fordingbridge, in Hampshire, had, for several years previous to the month of September 1809, made the notes of their bank payable "on demand to the bearer at Fordingbridge, or at Sir Matthew Bloxam & Co.'s, bankers, in London." In this their original and printed form, they continued from time to time to re-issue them, by authority of the statutes 44 G. 3. c. 98. and 48 G. 3. c. 149. s. 13. after they had been paid by and received back from their London correspondents. Unfortunately, however, about the month of September 1809, the banking-house of Sir Matthew Bloxam was under the necessity of stopping payment, and the partners were declared bankrupts. On this event, it was necessary that the Kelleways should appoint some other banking-house in London, at which their notes should be thereafter made payable; and the banking-house of Ramsbottom & Co. was chosen for that purpose. But in order to save the expense of engraving a new plate, as to the whole subject of their notes, and of re-printing them conformably to this appointment, they procured a small plate to be

engraved with "Messrs. Ramsbottom & Co." on it, and worked off from the plate those words only on small slips of thin paper, which they fastened with a cement, on their already printed notes, over the words "Sir Matthew Bloxam & Co." It happened that this house had, previous to its failure, paid, to the amount of 750 *l.*, a number of these notes of the Fordingbridge bank, which had been made payable at the house. These paid notes were, in the month of June 1809, inclosed in a paper parcel, directed to "Messrs. Kelleways, bankers, at Fordingbridge," and delivered at the Swan with Two Necks in Lad-lane, to be conveyed to them by the coach, for the purpose of affording the Kelleways an opportunity of re-issuing them. The parcel was safely delivered into the coach; but it was either lost or stolen on the road between London and Salisbury; and never reached the hands of any person belonging to the Fordingbridge bank. The note charged in the indictment was one of the notes so contained in this parcel, which note, it was clearly proved, the prisoner had uttered under circumstances which denoted his knowledge of the alteration that it had on it; for it had, at the time, a slip of thin paper, with the words "Ramsbottom & Co." printed on it, and pasted over the words "Bloxam & Co." precisely like the printed slips of paper which the prosecutors had affixed to other notes of the like kind which had been issued by them. On searching the prisoner, at the time he was apprehended, many other of the paid notes which had been inclosed in the said parcel were found upon him. One of the partners in the Fordingbridge bank was admitted to prove that the parcel had never been delivered to their house, or had come to the hands of any of the partners, or to the hands of any other person on their account. Of course the note thus altered could not be one of the notes to which the partners of this country bank had themselves affixed the words "Ramsbottom & Co." over the words "Sir Matthew Bloxam & Co." It was also proved, by the driver and the guard of the coach, that this particular parcel had been taken from the coach, or lost on the road, before it arrived at Salisbury. *Objected:* that this alteration did not amount to the offence of forgery. That to constitute the offence of forgery the alteration must be in a material part of the instrument; as if the obligee of a bond, conditioned for the good behaviour of his apprentice, alter the penalty from pounds to marks, it is not forgery, for it makes the bond void, and diminishes the duty to himself, the alteration being without any apparent design to defraud another. But if he had increased the sum with a view to his own advantage, or if he had even diminished it with intent to prejudice a third person, it would have been forgery. So in a conveyance of the manor of Dale, if it be altered by making it a conveyance of "the beautiful manor of Dale," it is no forgery, because the words inserted are wholly immaterial. So in the present case, the alteration made in this note is not an alteration in a material part, as in the case of Masters *v.* Miller: if the alteration had accelerated the day of payment it might have been forgery, but not so where the day of payment is not accelerated. The alteration made in this note respects merely the place of payment; but the place of payment is not essential to the validity of the note: the contract between the parties is the payment of the note, and it is immaterial at what place it is paid. In a declaration on a promissory note it is not necessary to shew the place where it is payable. To render a bill valid it is only necessary to shew that the holder has an opportunity of resorting to a solvent person; and in this case there is a solvent person who may be resorted to for the payment of the note, namely, the banking-house of Messrs. Kelleways, at Fordingbridge, for it certainly is not obligatory on the bankers in London to pay. But the bankers in the country stand in a very different situation: it is their note; and whether the alteration which has been made in it is or is not a forgery, depends upon the question, whether they are or are not liable to pay it. This is the true criterion upon the subject; and it cannot be questioned but that they are still liable thereon. The legislature, therefore, cannot be supposed to have intended that the punishment of death should be inflicted upon a mere intent to defraud, where the act when completed never can defraud, but leaves the instrument such, that after the prisoner's death the holder may still enforce it by law; for a holder who is entitled to recover can never be said to be defrauded. Suppose this note had been presented at Ramsbottom & Co.'s, and they had paid it, they would as innocent holders of this note for a valuable consideration have been entitled to receive its amount against the drawers. If this note had reached the house of the drawers it would have been re-issued; how, therefore, can the drawers be defrauded? for the alteration only directs where the payment of it is to be made: the promise of the drawers to pay it is genuine, and the place of payment is not essential to the contract. *Answer:* the alteration of the place where the note is made payable is not immaterial; for it gives the bill a degree of credit which without this alteration it would not have possessed. Any alteration which may induce persons more readily to take the note, is on that account material to the instrument, and therefore such a fictitious and counterfeited alteration is a forgery. By this alteration the prisoner falsely represents that the makers have undertaken to pay it at Messrs. Ramsbottom's, and thereby gives it the greater currency; a currency which it would not have possessed if it had continued in its unaltered state. But it is contended, that this note could not defraud the drawers, but that if Rambottom's had paid it, they would have been defrauded, for it would have been a payment in their own wrong, and they could not have recovered its amount from the drawers. The prisoner has knowingly uttered a false instrument, and this case differs not from the common case of drawing a bill on a banker in the name of a fictitious person, for which many offenders have been condemned. *Reply:* the alteration which had been made could not be considered a forging of the instrument; and that at all events, Kelleway, the drawer of it, was not a competent witness to prove it, or even to add weight to the testimony of others, as to any fact from which the forgery might be inferred, for that it is impossible to say what degree of credit the jury gave to the respective witnesses to induce the finding of this verdict. But the argument that this alteration is a forgery, because it gives a degree of credit which it would not otherwise possess, cannot be sustained, for the only credit to which the law looks on this subject is confined to the number of persons who are legally liable and responsible thereon, and not to their good faith, their superior opulence, or their credit in the opinion of the public. Thus, if a genuine bill of exchange, with six indorsements on it, is put into circulation, and it turns out that three of those indorsements are fictitious, that would clearly be a forgery, because it purports that six persons are legally responsible to the holder, when, in fact, only three of them are legally liable; but the alteration in the present instance does not

increase the number of persons who may be sued on this instrument. These are the only circumstances from which the law makes any inference respecting the credit of the note, and any further credit arising from other circumstances, or representations concerning it, will not make this alteration a forgery. *Held*, (by eleven judges, absent one), that the act done by the prisoner was a false making, in a circumstance material to the value of the note, and its facility of transfer, by making it payable at a solvent instead of an insolvent house. Rex *v.* Treble, Leach, 1040; 2 Taunt. 328; cor. Macdonald, C. B. at Horsham Lent Ass. 1810.

1254. To be a forgery, however, the alteration must be material: for otherwise the legal character and operation of the instrument remain as before, and so there has been no fabrication. The alteration must be material.

1255 For which reason, if in a conveyance of the manor of Dale the word "beautiful" be prefixed to "manor," it is not forgery.

1256. An alteration may be accomplished in four different ways: by transposition; by addition; by omission; by erasure; and in either case alike will the offence be forgery. Modes of alteration.

1257. By transposition; as where in an intervening space between the signature to a letter and the letter itself, a release is inserted, the letter cut off, and the seal applied to the release. Hinde *v.* Grevil, 3 Inst. 171. Transposition.

Lodowick Grevil, esq. was bound by recognizance of 200*l.* to Rowland Hinde, of the Inner Temple, for payment of 100*l.* Hinde wrote a letter to Grevil, and writ his name in the lowest part of the letter (as many use when they write to men of great calling); Grevil caused the letter to be cut off, and a general release in few words to be written above Hinde's name, and took off Hinde's seal, and fixed it under the release: so there was Hinde's hand and seal to this release. Hinde being not paid his 100*l.* brought a scire facias upon the recognizance, whereunto Grevil pleaded this release; Hinde pleaded non est factum, and tried his deed, whereupon judgment was given against him, whereby Hinde was barred of his debt. For this forged release Grevil was sentenced in the Star Chamber upon this statute (5 Eliz. c. 14). 3 Inst. 171. in Cam. Stel. Mich. 13 & 14 Eliz.

1258. By addition; as where a person employed to draw up a will inserts legacies therein of his own accord. Combes' case, Moore, 759 (1); Noy, 101 (2); Dyer, 288 a. in marg. (3); 3 Inst. 170, denying Marvin's case, Dyer, 288 a (4). Addition.

(1) Supra, pl. 1248. (2) Supra, pl. 1248.

(3) Upon a bill of forgery against Combs, for the supposed forgery of the will of R. Brakenbury, it was holden by Popham, Heming and Yelverton, that to omit a thing or legacy out of a will which he is appointed to insert, is not a forgery; but if he be directed to give land to one for life, with remainder to another in fee, and he omit the estate for life, this is forgery. Also by them, if one write a will without direction, and bring it to the devisor, and he allow it, this is good: but if he then be of nonsane memory, the will is void; yet it is not forgery, and so adjudged: but the filling up of the blanks by Combs at the time when Brakenbury was not of sound memory, was taken to be a misdemeanor, so knowing him to be of nonsane memory. Combes' case, Dyer, 288 a. in marg. Cam. Stel. East. 3 Jac. I.

(4) Supra, pl. The case denied is as follows.—Memorandum: In the grand case of forgery touching Sir John Marvin's will, it was moved for a doubt, if one who writes the will of a man lying mortally sick, insert a clause or article in the will after the testator is speechless, and without memory, and he did not command the writer beforehand to put in that article or clause, whether this be a forgery of the will, and punishable by the statute of the 5th year of the present queen, or not. And it was agreed and resolved by the best opinion there, that he is not; nor was it the intention of the makers of the said laws. Marvin's case, Dyer, 288 a. Cam. Stel. East. 12 Eliz.

1259. Or where the name of a person is inserted in an indictment, against whom the bill was not found. Rex *v.* Marsh, 3 Mod. 66.

Supra, pl. 3.

1260. Or where a bond for 500*l.* is, by the addition of a cypher, changed to one for 5,000*l.*; or a bill for 8*l.* to 80*l.* Blake *v.* Allen, Moore, 619 (1). Rex *v.* Elseworth, East P. C. c. 19. s. 58 (2).

(1) In Camera Stellata p. un forgery suppose en ceo q. lou Blake ad fait obligac'on de 100*l.* al Allen pur le true behaviour de son fits app'ntice ove Allen, que Allen puis le sealing et deliv'ing ad rase hors le parol *libris* et insert le parol *marcis*. Et le court semble cleare que n'est forgery punishable, quia il per ceo fait son obligac'on demesne void, et ne p'judice ascu. p'son forque luy m. en diminishing son duty demesne. Mes sil avoit increase le somme, ou sil avoit diminish le somme al entent de avoider ascu. collateral p'judice a luy m. come d'estre free d'ascu. covenant, arbitrament, ou autiel chose, ou de faire p'judice al un aut., ceo s'roit forgery. Mes tout le court semble ceo un misdemeanor. Blake *v.* Allen, Moore, 619; in Cam. Stell. 42 & 43 Eliz.

(2) An indictment stated, that an inland bill of exchange was drawn on the 23d of November, 20 G. 3. by Thomas Leach, and directed to Messrs. Mildred and Walker, bankers, London, requiring them to pay to J. Harrock, or order, 8*l.* two months after date, for value received (setting out the tenor of the bill). That Thomas Elseworth (the prisoner) on, &c. the said bill of exchange did feloniously alter and cause to be altered by falsely making, forging and adding a cypher 0, to the letter and figure 8*l.* in the said bill,

and also by falsely making, forging and adding the letter *y* to the word eight in the said bill mentioned, whereby the letter and figure 8 *l.* before written in the said bill became 80 *l.*, and the said word eight before written in the said bill became eighty; by reason and means of which said forgeries and additions, the said bill of exchange, so drawn as aforesaid for 8 *l.* became and purported to be a bill of exchange for 80 *l.*; with intent to defraud Henry Garforth, &c. The second count stated, that certain persons unknown altered the bill (in the manner stated in the first count), and that the defendant on, &c. had in his custody and possession the said false, forged and altered bill, and did feloniously utter and publish the same as true, with the like intent, knowing it to be forged. The prisoner being convicted, it was moved in arrest of judgment, that as this was an indictment on the statute 2 G. 2. c. 25. s. 1. the words of it must be strictly pursued in charging the forgery; which words were, "if any person shall falsely make, forge or counterfeit;" (whereas the forgery alleged was, that persons unknown did alter and cause to be altered, *by falsely making, forging and adding* the cypher 0 to the letter and figure 8 *l.* &c.); that it ought to have been charged that they *falsely made, forged and counterfeited* the said bill of exchange by falsely altering and adding, &c.; and that if the forgery itself were not alleged with sufficient precision, the charge of uttering and publishing was also defective; because the allegation was, that he feloniously uttered and published the *said* false bill of exchange with reference to the preceding charge of forgery. That several of the statutes against forgery had the word *alter* in them; viz. 8 & 9 W. 3. c. 20. *altering* or rasing the indorsement on any bank-bill; 9 Ann. c. 21. s. 57. forging, counterfeiting or *altering* a bond of the South Sea Company; 11 G. 1. c. 9. s. 6. *altering*, forging or counterfeiting any bank-bill; and statute 15 G. 2. c. 13. forging, counterfeiting or *altering* any bank bill of exchange. But that the word *alter* was not used in the statute on which this indictment was founded. That in framing indictments on statutes, the constant practice had been in the charging part to follow strictly the words of the acts, and so were the precedents. The counsel for the crown admitted that this indictment was rather informally drawn; but contended that there was sufficient alleged for the conviction of the prisoner on the second count. That the false and fraudulent alteration of a writing to the prejudice of another man's right, was a sufficient description of a forgery at common law; and that the uttering or publishing, of which the prisoner was found guilty, was charged in the precise words of the statute: viz. that he feloniously uttered and published a false, forged, altered and counterfeited, &c. a bill of exchange as true, knowing the same to be false, &c. Execution being respited by Willes, J. in order to take the opinion of the judges, on the 12th of April 1780 all held that the indictment was good, and the offence sufficiently proved upon the second count; for there was no difference in substance or in the nature of the charge, whether the indictment were for feloniously altering by falsely making and forging, or for feloniously making and forging by falsely altering, &c. Rex *v.* Elseworth, East P. C. c. 19. s. 58; cor. Willes, C. J., York Lent Ass. 1780.

Omission.

1261. By omission; as where a person employed to draw up a will omits a bequest, and thereby gives to another bequest a different operation to what was intended. Combes' case, Moore, 759 (1); Noy, 101 (2).

(1) Supra, pl. 1248. (2) Supra, pl. 1248.

1262. Thus, omits the devise of a particular estate to A., and thereby gives a present estate to B., instead of a remainder as the devisor intended. Combes' case, Moore, 759 (1); Noy, 101 (2).

(1) Supra, pl. 1248. (2) Supra, pl. 1248.

1263. But an omission having no influence upon the other parts of the will, is not a forgery: since the instrument wears precisely the same character that it would have done had the legacy been inserted; the character of an instrument being determined by its contents, which are precisely the same as had the insertion been made. Combes' case, Moore, 759 (1); Noy, 101 (2).

(1) Supra, pl. 1248. (2) Supra, pl. 1248.

Erasure.

1264. By erasure; as by erasing the cypher in a bond for 50 *l.*, and thereby making it stand for 5 *l.* only.

1265. Or by altering the date of an accepted bill, and thereby accelerating the time of payment. Master *v.* Miller, 4 T. R. 320.

1266. Or by making a lease of the manor of Dale appear, by changing D. into S., to be a lease of the manor of Sale. 3 Inst. 169.

Sir Edward Coke, after citing the words "or make" in the 5 Eliz. c. 14. proceeds, "these be larger words than 'to forge;' for one may make a false writing within this act, though it be not forged in the name of another, nor his seal nor hand counterfeited. As if A. make a true deed of feoffment under his hand and seal of the manor of Dale unto B., and B., or some other, rase out D., the first letter of Dale, and put in S., and then where the true deed was of the manor of Dale, now it is falsely altered and made the manor of Sale; this is a false writing under seal within the purview of this statute. And so it is if a rent-charge of 100 *l.* by the year be granted out of land in fee, or for life, &c. and the grantee or any other rase out one, and instead thereof writeth two; this is a false writing within the danger of this statute." 3 Inst. 169.

1267. And the mode of erasure would seem to be immaterial; as whether by obliteration, cutting out, or otherwise.

1268. But though an erasure giving to the instrument a new operation is a forgery, yet not an erasure which leaves it no operation whatever; any more than any other mode of destroying it.

SECTION VI.

Of Modes of Fabrication by the Statute Law.

1269. A STATUTE making it penal to "forge *or alter*" a writing, will not change the legal nature of an alteration, or render it less a fabrication of the whole. The only way in which it could do this would be, by limiting the signification of the word "forge" to a complete original fabrication, excluding the alteration of a genuine instrument; an intention so to confine it has not been declared, and no reason can be given why it should be implied. Rex *v.* Teague, East P. C. c. 19. s. 55.

Indictment on 7 G. 2. c. 22. for *making, forging and counterfeiting*, and for uttering, a bill of exchange. *Case:* the offence was by altering a genuine bill for 10 *l.* into one for 50 *l.* *Objected:* that this being a forgery by *altering* the sum in a *genuine* bill, it should have been so stated in the indictment; the 7 G. 2. c. 22. making it a distinct offence *to alter*; viz. "if any person shall falsely make, *alter*, forge or counterfeit, or utter or publish as true, any *false*, *altered*, forged or counterfeited acceptance of any bill of exchange." *Held*, by the twelve judges, that the present case was governed by that of Rex *v.* Dawson, (infra, pl.) and every alteration of a true instrument for such a purpose made it, when altered, a forgery of the whole instrument. Rex *v.* Teague, East P. C. c. 19. s. 55; cor. Le Blanc. J. at Hereford Sum. Ass. 1802.

1270. A delivery to a guilty agent, for a fraudulent purpose, is within a provision against "disposing of and putting away." Rex *v.* Palmer, Leach, 978; 1 N. R. 96. To a guilty agent.

Infra, pl. 1274.

1271. Thus, a delivery, that he may endeavour to pass it. Rex *v.* Palmer, Leach, 978; 1 N. R. 96.

Infra, pl. 1274.

1272. In like manner, a delivery to an innocent agent, for a fraudulent purpose, is within a provision against "uttering and publishing as true:" the fact being so. Rex *v.* Palmer, Leach, 978; 1 N. R. 96. To an innocent agent.

Infra, pl. 1274.

1273. But not, it should seem, a delivery to a guilty agent; both parties being agreed upon the falsity of the instrument. Rex *v.* Palmer, Leach, 978; 1 N. R. 96.

Infra, pl. 1274.

1274. In the latter case, therefore, if the agent pass the writing, an indictment for uttering and publishing as true, must charge the deliverer as accessary only. Rex *v.* Palmer, Leach, 978; 1 N. R. 96.

Indictment on the 15 G. 2. c. 13. s. 11, against John Palmer and Sarah Hudson, for uttering a forged bank-note; charging in the second count, that they disposed of and put away the note; in another, that they uttered the note as true. *Case:* it was proved that Palmer was in the habit of uttering and putting off forged bank-notes, and of employing Hudson for the purpose of carrying this practice into effect; and that in particular he had employed her to dispose of the note in question, he being in waiting at a place hard by. *Question:* whether the evidence was sufficient to convict Palmer: in other words, 1° whether the evidence supported the conviction on the count for uttering and publishing the note as a true note, knowing it to be forged. 2° Whether the evidence proved that Palmer feloniously disposed of and put away the forged note to Hudson. *Decision*, by the twelve judges: on the first question, it seemed to be the general opinion of the judges, that if Hudson had been innocent and had not known that the note was forged, the delivery of it by Palmer to her would have been a guilty uttering of it by Palmer, according to the doctrine of Mr. Justice Foster (349), that when an innocent person is employed for a criminal purpose, the employer must be answerable; but it appeared at the trial that Hudson knew the note was a forged note, and therefore the judges formed no opinion on the first question, as applying to the count for uttering and publishing it *as true*, knowing it to be forged, thinking it sufficient to consider the case upon the second count. And the question with respect to this count is, whether the facts here stated amount to a disposing of and putting away, within the meaning of 15 G. 2. c. 13. s. 11. Upon this point there was a difference of opinion among the judges.

Some of them held, that this is not an offence within the statute, because, until Hudson uttered the note, it ought to be considered as virtually in Palmer's possession; that when she did utter it, Palmer was only *an accessary before the fact*, and should have been so indicted. But a considerable majority of the judges were of opinion that the conviction was right. Constructive possession is a fiction of law, and only signifies, that though the actual possession may be in one person, the constructive possession may be considered in another; and these fictions being entertained merely for the purpose of obtaining the ends of justice, they ought not to be defeated when that is their object. It clearly appeared in this case, that Palmer knowingly delivered this forged note into the hands of Hudson, for the fraudulent purpose of uttering it for his use. He could not have recovered it back by any action at law; it was out of his legal power; and when it was actually uttered by her, she had effected the purpose for which he had delivered it to her, and the note was disposed of and put away by him through her means. The question, therefore, is, what offence the legislature intended to prevent by the 11th section of 15 G. 2. c. 13, the words of which are: "That if any person shall offer, or dispose of, or put away, &c. knowing such note, &c. with intent to defraud, &c." If the intention of the legislature be clear, the consideration of a constructive possession in Palmer does not appear of sufficient weight to restrain the ordinary construction of the words of the statute: "if any person shall *offer, or dispose of, or put away* any forged note," &c. Now uttering was a capital offence by a former statute, and as delivering an instrument to another is a step towards uttering it, it seems most consonant to the intention of the legislature to hold, that a delivery to another for a fraudulent purpose, is an offence within the words "*dispose of or put away.*" Rex *v.* Palmer and Hudson, Leach, 978; cor. Le Blanc, J. and Hotham, B.; O. B. Feb. 1784 (*a*).

Views of the disponee.

1275. In "disposing of and putting away" counterfeits, the views of the disponee are immaterial: since the enactments have rendered no other quality essential than what has relation to the utterer. Rex *v.* Holden, Leach, 1019.

Infra, pl. 1277.

1276. And, therefore, where the intended dupe, with a view to prosecution, solicits the forger to sell him the instrument, the delivery upon the sale is an uttering. Rex *v.* Holden, Leach, 1019.

Infra, pl. 1277.

1277. Thus, where the Bank of England, with such a view, purchase, through their agents, forged bank-notes. Rex *v.* Holden, Leach, 1019.

Indictment on 45 G. 3. c. 89, s. 1. 2. for disposing of and putting away forged bank-notes. *Case:* The notes in question were disposed of to John Shaw and James Whitehead, the principal witnesses against the prisoners, who, in consequence of a great number of forged bank-notes having been circulated in the neighbourhood, were employed by the *magistrates*, with the approbation of *the agents* for the Bank, to detect those who were suspected to be utterers. The prisoners did not pay the notes to Shaw and Whitehead as genuine, but those persons, for the purpose of detection, *applied to the prisoners as supposed dealers in forged bank-notes to purchase them*, and the prisoners accordingly *procured them*, and sold them *as forged notes*, so that Shaw and Whitehead were not *deceived* or *defrauded* in any of the instances, nor were any of the prisoners the first movers in the transactions they had with the witnesses, neither did it appear by any direct evidence, that any of the prisoners, when he was *first applied to*, had any of the notes in his *actual possession*, but they respectively produced them at meetings which took place subsequent to such first application. The rest of the evidence was full and satisfactory. *Objected*, that the disposition of the notes established by the evidence was insufficient, inasmuch as the prisoners were *solicited to commit the act* proved against them *by the Bank themselves*, by means of their *agents*. That to encourage or procure the commission of a crime for the purpose of bringing a suspected offender to punishment, is repugnant to the true principles of public policy, and unwarranted by the law of England; that punishment can only be inflicted as an example to prevent the future perpetration of crimes by deterring others from committing them; and that neither the Bank nor their agents had a right to speculate upon the guilt or innocence of supposed offenders; that the facts of the case excluded the question, for they shew that the agents of the Bank were the first movers in all the transactions, and that they induced the prisoners to procure the notes, by the putting away of which the crimes are said to be committed; that in M^c^Daniel's case (10 St. Tr. 432; Fost. 130) it was expressly decided that a robbery which had been committed upon the person of one Salmon, by his procurement, could not, for that reason, become the subject of a criminal prosecution, the property parted with in such case not having been taken against

(*a*) At the trial, it was objected, that the evidence related to two distinct offences, and not to one joint offence; and that it went to shew that Palmer, if he was guilty at all, could only be guilty as *an accessary before the fact*, and ought to have been so indicted, instead of being, as he had been, charged as *a principal*, which he could not be in construction of law, as he was not present either actually or constructively when Hudson uttered this note. The *Court* left it to the jury to determine, whether Hudson had uttered the note clearly knowing that it was a forged note, or whether Palmer had disposed of it and put it away to Hudson without any knowledge on her part that it was forged; telling them, that they could not, upon the charge in the present indictment, find both the prisoners guilty of knowingly uttering the note; for that Palmer could not be guilty, unless they were of opinion that he had knowingly uttered the note to Hudson, as an innocent instrument, or mean of converting to his own use the produce of the forged note: and that Hudson could not be convicted, unless they were of opinion that she had disposed of and put away the note, knowing at the time that it was a forged note.

the *will of the owner*; that there the robbers had done every thing on their parts, for they were ignorant that Salmon had consented to be robbed; but here the Bank by its agents had, with great industry, sought out the prisoners at their respective houses, or places of resort, and had encouraged, procured, and led them into the commission of the offence; for in no one instance had any of the prisoners the forged notes upon him at the time when the purchase was first suggested to him by the witnesses. It may be said that the cases of Rex *v.* Norden, (Foster, 129; East P. C. 666,) and Rex *v.* Egginton, (Leach, 913; 2 East, 494, 666; 2 B. & P. 508,) are authorities against this reasoning; but in the first of those cases there was no procurement, no contrivance, no communication whatever to induce the prisoner to commit the robbery; and though the party robbed voluntary parted with his money with the view and intent to apprehend the robber and convict him of the crime, he did nothing to induce the commission of it. In Eggington's case the original suggestion came from the prisoners, and Bolton only permitted that to be done which they had originally devised and intended to carry into execution; but here the suggestion did not originate with the prisoners, but with the witnesses as agents for the Bank. In Eggington's case, the prosecutor being informed of the intention of the thieves to rob his house, removed from the place every thing but the guineas and some ingots of silver, which he marked; but this was done with a view to detect the offenders, and not to induce or cause, as in the present case, a perpetration of the offence. The distinction, therefore, arising from these cases taken together is, that where the offence originates with the person to be prejudiced by it, the property cannot be said to be taken invito domino. [Lord Ellenborough and Mansfield, Chief Justices, desired the counsel to shew how he could so apply this principle as to make the assent or dissent of the disponee at all essential to this offence, which is defined by the statute to be "the disposing of and putting away forged bank-notes."] In like manner, it is no offence to commit a cheat, or to use a false pretence by the procurement of the person to be affected by it. A fraudulent or collusive bankruptcy cannot be taken advantage of by the parties concerned in it; nor can a person be proceeded against for pulling down inclosures, if done by the owner's consent; and the same principle must prevail in cases of forgery. In the case of Rex *v.* Ward, (Ld. Raym. 1461; Str. 747; East P. C. 861,) on an information for forgery at common law, the court held, that although actual prejudice is not necessary to constitute the offence, yet that there must exist some person who might be prejudiced by it; but in the present case there are no persons who have been, or could be, in any way deceived or defrauded. Deceit is an essential ingredient in this species of offence, but the actors in this case, whether considered as assistants to the crown, as agents to the Bank, or as private individuals, have not been deceived, and consequently the Bank, with whom they are identified, and by whom they were employed, could not be defrauded, for they knew that the notes were forged, and could not be deceived thereby. If they had acted in this case unauthorized and of their own accord, they would have appeared as accessaries before the fact. The statutes against the offence of forgery, in every instance, unite the offence with the party who is the object of the meditated fraud; its creation is always accompanied by the appendage of an intent to defraud; and therefore the person or persons against whom the offence is intended to be committed, must form a material part of every consideration on this subject. There must be necessarily some person capable of being defrauded; but it is clear that no deception was practised, or intended to be practised, on Shaw and Whitehead. No attempt whatever was made for that purpose; the prisoners did not dispose of the notes to them as genuine notes, but as forged notes; and if these agents were not deceived or defrauded, it is impossible that their principal, the Bank, whom they identically represent, could be defrauded; the allegation in the indictment, therefore, that these notes were disposed of with intent to defraud the governor and company of the Bank, must be considered the same as if the allegation had been "with intent to defraud John Shaw and James Whitehead." *Answer:* the offence of uttering, or disposing of, or putting away a forged note, does not consist in actually defrauding any person, but in the intent to defraud, and although the prisoners did not intend to defraud either Shaw or Whitehead, by passing these notes to them as good and genuine notes, yet they put them away at an under price, with the expectation that these purchasers would dispose of them again, and thereby certainly, through them, intended to defraud the Bank. Suppose Shaw and Whitehead to have been employed in this business, with the concurrence of the Bank, of which, however, there was no evidence given at the trial, it does not follow because they, as agents, were not deceived in the articles they purchased, that therefore the Bank could not *possibly* be thereby defrauded: they might, for instance, instead of keeping the forged notes so purchased in their own possession, have fraudulently circulated them, and by that means the Bank might possibly have been defrauded, which *possibility* is all the law requires to constitute this offence. This is not a solitary case; many persons have been convicted of uttering notes bought for the purpose of convicting them. In the case of Rex *v.* Palmer and Hudson, the judges held that the delivery of the forged note by Palmer to Mary Hudson, with the view and under the expectation that she would dispose of it for his benefit, was, on his part, a completion of the offence. It may be observed also, that the object of Shaw and Whitehead was not to obtain from the prisoners these particular notes, but generally to detect all such persons as were concerned in circulating forged bank-notes. *Reply:* the bare possibility that these servants of the Bank might, in violation of the trust reposed in them, have put the notes they purchased into fraudulent circulation, will not alter the nature of the question, or in any way render this offence of the utterers complete. It would be putting the lives of persons in the power of the Bank and their agents. The case before Lord Holt, of putting off counterfeit guineas, may be accounted for by considering that the offence there charged is an act of treason against the state, and not, like forgery, an offence against individuals only; and as to the case of Rex *v.* Palmer and Hudson, the only question there was, whether Palmer was an accessary before the fact, or a principal; and if he adopted the act of Mary Hudson, he was the utterer: but it never could be alleged or proved that he uttered the note with intent to defraud her, for she in that case, like the purchasers in this, knew the note to be forged and counterfeited. *Held*, by the twelve judges, that the objection was untenable. Rex *v.* Holden and others, Leach, 1019; cor. Chambre, J. at Lancaster Sum. Ass. 1809.

8 H. 6. c. 12. The term "avoided" defined.

1278. The word "*avoided*," in the 8 H. 6. c. 12. is a universal term, embracing every direct physical mode of avoidance, whether by rasing, cutting off, clipping, cancelling, or otherwise: since the word is universal in its common acceptation, and neither by the context, nor by any express terms, is that acceptation limited. 3 Inst. 72 (1); 1 Hale, 650 (2).

(1) To the words, *be willingly stolen, carried away, withdrawn or avoided*, Lord Coke subjoins, "This word *avoided* is a large word, and doth include rasing, or clipping or cutting off of the side or other part of the roll, or any other kind of avoiding the same." 3 Inst. 72.

(2) Lord Hale's words are, "The offences mentioned are four; stealing, carrying away, withdrawing, or avoiding; and this last word *avoiding* is comprehensive, for it extends to rasing, cutting off, clipping, yea, and cancelling a record." 1 Hale, 650.

1279. And the mode in which the judgment is, through the act of avoidance, liable to be reversed, whether by writ of error or plea, is immaterial: since the terms of the statute are general, including every mode, and there is nothing in the context to limit their generality. 2 R. 3. 10; 3 Inst. 72 (1); 1 Hale, 650 (2).

(1) To the word *reversed*, Lord Coke subjoins, "Reversed is here taken, not only where the judgment is made erroneous, and to be reversed by writ of error, but where the judgment is so annihilated and made void, as it bindeth not, or may be reversed or avoided by plea." 3 Inst. 72.

(2) Lord Hale's words are, "The act extends not only to a reversibleness by writ of error; but a reversibleness or avoidableness of judgment by plea, by reason of such embezzling, &c. is within this statute." 1 Hale, 650.

Place.

1280. If the offence arises in two counties, it is dispunishable. 2 R. 3. 10; 3 Inst. 73 (1); 1 Hale, 651 (2); 1 Hawk. P. C. c. 45. s. 6 (3).

(1) To the words *thereof indicted*, Lord Coke subjoins, "If the acts that make this felony be committed in two counties, the indictment faileth, as hath been said before upon the statute of 2 & 3 E. 6. c. 24. And this case of felony, rising in two counties, is not holden by any statute yet made." 3 Inst. 73.

(2) The words of the lord are as in the text.

(3) Hawkins observes, "If the offence were committed partly in one county and partly in another, but not so as to amount to a complete offence within the statute in either, the party cannot be indicted for a felony, because the counties cannot join in an indictment, and that which is done in one cannot be found in another; but he may be indicted for a misprision in either county." 1 Hawk. c. 45. s. 6.

SECTION VII.

The Fabrication at Common Law considered in relation to Sufficiency; and First, as depending upon Intrinsic Circumstances.

The writing must be sufficient to accomplish the fraud.

1281. SETTING aside the falsity of the writing, it may be sufficient to attain some fraudulent purpose, or it may be insufficient. And if insufficient, the question arises whether a forgery has been committed.

1282. And the common-law rule is settled to be, that how clear soever the fraudulent purpose or design, unless the writing is sufficient to accomplish that purpose, it is not a forgery: since, with a single exception, actions only, and not evil intentions, are punishable by the English law, and actions only which actually do or possibly may produce injustice. Rex *v.* Knight, Ld. Raym. 527; 1 Salk. 375; 3 Salk. 186 (1). Rex *v.* Ward, Ld. Raym. 1461; Str. 747 (2).

(1) Infra, pl. 1283. (2) Supra, pl. 2.

1283. And, therefore, where a person who (from any thing apparent on the record) had no connexion with the customs, intending in his own mind to defraud the king, indorsed exchequer bills, falsely stating that they were received for the duties, and paid the bills into the Exchequer; it was decided not to be criminal: since the falsity, though it might injure himself, could not prejudice his majesty. Rex *v.* Knight, 1 Salk. 375; 3 Salk. 186; Ld. Raym. 527.

Information stating an issue of exchequer bills, and charging that defendant, existens nuper receptor generalis custumarum, to the intent to get great gains to himself, did fraudulently and falsely indorse twenty bills at the Custom-house, quasi receptæ essent pro custumis, et eodem die paid them into the Exchequer as if they had been truly indorsed, in deceptionem et defraudationem dicti domini regis.

Held, that judgment must be arrested. Nuper receptor does not import that he was the king's officer at the time of indorsing and paying these bills, but rather the contrary, and he must be taken to be a private person, and as such to make this indorsement, which in a private person could be no crime, because the falsity might hurt himself, but could not prejudice the king. It is like the case in Noy (99), where the obligee lessened the sum in the obligation; it would have been forgery in a stranger, or in the obligee, to make it more; but in regard the obligee had hurt nobody but himself, it was no forgery. So it is of this false indorsement; it is not criminal, because it hurts nobody but the defendant himself. To the argument, that it is a damage to the contractors, by making a specie bill, the answers are two: 1° It does not appear that there were any contractors. The court are bound to take notice that there might be such, because the act of parliament (relating to the issue of the bills) says so; but not that there were such in fact; and therefore if the prosecutor had relied upon that, it ought to have been shewn; and if no person appears to be damnified by this false indorsement, the court cannot judge it to be a crime. 2° The contractors are not obliged to change these bills until they are paid out of the Exchequer again, which is not shewn in this case to have been done, nor is there any sign shewn of their having been issued again; for upon their payment out again, the name of the payer out ought to be set to them with the day of the month; and if that had been shewn, then perhaps it might have been a crime, but yet not till then. Rex *v.* Knight, 1 Salk. 375; 3 Salk. 186; Ld. Raym. 527; B. R. Hil. 11 W. 3.

1284. So, likewise, where a person bound to deliver alum, intending to exonerate himself and thereby defraud the obligee, forged an acquittance; an objection to the mode of averring the obligation, on an information at common law for the forgery, was solemnly discussed: since, unless it existed, the obligee could not be prejudiced. Rex *v.* Ward, Ld. Raym. 1461; Str. 747.

See the case detailed, supra, pl. 2. The next objection taken was, that admitting the offence to be a forgery punishable at common law, yet the fact was not set out in this information sufficiently for the court to found a judgment upon; for unless the defendant was chargeable to deliver the alum at the time when he made this forged indorsement, there was no possibility that the duke of B. could be prejudiced by it, nor can it be said to be done to avoid the delivery of the alum. As it stands upon the information it is,—Memorandum, That the Attorney General, Wednesday, proxime post tres Trin. 11 G. (which was in Trin. term 1725), comes and informs the court that the defendant, onerabilis existens ad deliberandum 315 tons of alum to the duke of B. ad certum diem jam præteritum, he the said defendent, contriving and intending the said duke of the said alum to defraud, et eâ intentione to avoid the delivery of the said alum, 1 Feb. 11 G. [which was in Feb. 1724], forged the indorsement, &c. So that the onerabilis existens must refer to the exhibiting the information which was long after the forgery; and if so, then the defendant does not appear to be chargeable to deliver the alum when the forgery was committed; or if it does refer to ad diem jam præteritum, it is liable to the same exception; though these words seem to make it worse, as making it more uncertain. But they insisted it could not refer to 1 Feb. 11 G. by any grammatical construction: and the rather, because before the time of the forgery is laid, a new sentence is begun by the ipse idem Johannes Ward, machinans et entendens, &c. But the information should have gone on, et sic onerabilis existens, 1 Feb. 11 G. did forge, &c. And for this Cro. Jac. 214, Sir Nicholas Point's case, was cited as a case in point, where in an indictment for a forcible entry it was laid, that such a day and year the defendant entered into such lands, existens liberum tenementum of J. B. and with force expelled him; and judgment was reversed for not saying ad tunc existens; for it might be the freehold of J. B. at the time of the indictment, and not at the time of the entry. Cro. Jac. 639, Bridges' case; Palm. 426, Turner's case; and 2 Roll. Rep. 65. Ailing's case, agrees with Point's case, Dyer, 164 b. They relied also much on the case of the King *v.* Knight, H. 11 W. 3. B. R. Ld. Raym. 527, where an information was against the defendant, for that he, existens nuper receptor generalis of the customs, falsely such a day indorsed exchequer bills, quasi receptas pro custumis, &c.; and the fact with which he was charged being no offence if it had been well laid, unless he was receiver general, &c. at the time when he indorsed the exchequer bills, &c. the whole court held the information ill, because it was nuper receptor, and held it could not be made good by inference or intendment, but that a criminal charge ought to be express, and not to be made out by argument; and after a verdict in that case, the judgment was arrested. And therefore the defendant's counsel insisted the information was naught, and no judgment could be given against the defendant upon it. *Answer* and *Decision:* But to this it was answered by the counsel for the king, and held by the whole court, that it did sufficiently appear that the defendant was chargeable to deliver the alum at the time when he made this forged indorsement. For the forgery being laid to be done, 1 Feb. 11 G. and the forgery being laid to be, eâ intentione, to avoid the delivery of the alum, it is the same as if it had been laid sic onerabilis existens he had the 1 Feb. 11 G. forged the indorsement; which the counsel for the defendant agree would have been good. And the existens onerabilis referring to the person, shall not refer to the time of exhibiting the information, but the committing the offence. So is Cro. Jac. 609, Johnson's case, and 2 Lev. 179, the King *v.* Moore, in an information on the statute 4 & 5 P. & M. c. 8, for taking a woman out of the custody of the guardian; it was set out that the defendants, existentes above the age of fourteen years, took A. then being a virgin unmarried, and possessed of goods, and seised of land, of a great value, out of the custody of her mother, contra formam statuti: after verdict for the crown, it was moved in arrest of judgment, that it is not said that the defendants at the time of the taking were above the age of fourteen years, for the existentes refers to the time of the information exhibited, and not of the taking; as in the cases of forcible entry, existens liberum tenementum refers to the time of the indictment, and not of the entry. Sed non allocatur; in those cases the existens follows the verb, viz. ipsum disseisint of such land, existens liberum tenementum, and therefore might be only the freehold after the disseisin; but in the case of Moore, the existens precedes the verb ceperunt, and so refers and is tied up to the

time of the taking. Another *exception* was taken to the information, that it was not shewn how the defendant was chargeable to deliver the alum, whether it was by obligation, deed, &c.; for it ought to appear to the court, that they might judge whether he was chargeable or not. *Answer:* But to this it was answered, that the forgery was the gist of the information, and that this was but an inducement to it; and that there was no manner of necessity to shew how the defendant was chargeable to deliver the alum. *Decision:* And of that opinion was the whole court. Rex *v.* Ward, Ld Raym. 1461; Str. 747; B. R. Hil. 13 G. 1.

1285. And though a case has occurred which, in one point of view, may seem to militate against the doctrine,—in this point, namely, that it took for granted the nonexistence of facts, without which no prejudice could result, yet, as the defendant assumed their existence, possibly the court threw the onus of disproving them upon him. Rex *v.* Goate, Ld. Raym. 737.

Infra, pl. 1286.

1286. The case alluded to was an indictment, at common law, for forging a surrender of the lands of J. S.; and, after conviction, a motion in arrest of judgment, for want of an averment that J. S. had any land (and having not he could not be prejudiced), was over-ruled. Rex *v.* Goate, Ld. Raym. 737.

In an indictment for forgery at common law, though it is not shewn that the party was prejudiced, yet the indictment is good: Contra in an action of forger des faux faits. Therefore, where the indictment was for forgery of a surrender of the lands of J. S., and it was not shewn in the indictment that J. S. had any lands; yet Holt, C. J. held it good. Rex *v.* Goate, Ld. Raym. 737; cor. Holt, C. J. at Bury Sum. Ass. 12 W. 3.

Insufficiency is apparent or not apparent.

1287. A writing, then, insufficient to accomplish a fraudulent purpose, is not a forgery. And this insufficiency may arise from intrinsic or extrinsic circumstances. From intrinsic circumstances, or what is apparent on the face of the writing. From extrinsic circumstances, or what is, not apparent, but collateral.

APPARENT INSUFFICIENCY.

1288. First, then, in relation to intrinsic circumstances (*a*).

Legal defect.

1289. If A. forges a bond in the name of B., the frauds which the forger may purpose to accomplish are two. His intention may be, 1° either to sue B. on the bond, and thereby force him to pay the contents; 2° or to carry the bond to a money-lender, and, pledging it as a security, thereby defraud him of the sum which he may lend thereon.

1290. Now to accomplish the fraud against B., it is requisite that the writing wear upon its face the formalities prescribed by law to the validity of bonds: since otherwise the writing cannot be enforced by suit at law, and B., therefore, cannot be defrauded. Hence, if the writing is defective in any of these formalities, it is not sufficient to accomplish *this* fraudulent purpose, and therefore, *in this relation or point of view*, is not a forgery.

1291. Accordingly, an indictment against A. for forging an *assignment* (unsealed) of a lease of land, with intent to defraud the lessee, was holden defective, from not shewing that the writing was signed: since, by the statute of frauds, signing is made essential to such transactions, and wanting which, therefore, the writing could not operate as an assignment, and therefore could not defraud the lessee. Rex *v.* Goddard, Ld. Raym. 920; 3 Salk. 171; etiam, semble, S. C. per nom. Reg. *v.* Smith, 1 Salk. 342, but reported as directly opposite.

Indictment for forging the assignment of a lease, setting it out in hæc verba; at the end was the mark of such a one, but no mark appeared upon the postea. *Objected*, that there was no mark upon the postea; and now, since the statute of frauds, a lease is not assignable without writing signed by the party. *Held*, that the exception was good. Holt, C. J. said, if the indictment had been, that the defendant had forged a *deed* of assignment, and then had set it out thus, without any mark, that had

(*a*) Sir Edward East, in considering "*How far the Validity in Law of the Thing forged, supposing it were genuine, is essential to Forgery*," has not distinguished between forgery at common law and forgery by the statute law; neither does he distinguish between invalidity arising from intrinsic circumstances, and invalidity arising from extrinsic circumstances. Hence the indistinctness which reigns throughout that division of his subject. And the later treatise on Criminal Law (by Mr. Russell), being founded on Sir Edward's book, has not cleared the matter. By keeping, however, these distinctions constantly in view, though the authorities may not throughout be in unison with each other, yet the causes of their difference will be detected, and a principle afforded to determine on which side the truth lies.

been well enough, because signing is not necessary to a deed, and deeds anciently were not signed. But now, since the statute of frauds, an assignment by writing, if it be not by deed, must be signed; and therefore this not appearing to be any more, this ought to have been shewed to be signed, or else it is no assignment. Powell, J. said, that in Rex *v.* Newton (3 Keb. 356, 7), a judgment on an indictment for forgery was reversed, from its saying scriptum only, and not sigillatum. Another *objection* was, that it was not said that there was a demise; and if there was no demise, there could be no assignment. As to this exception, the court were divided; one part considering that the fact was sufficiently averred, the other that it was not; all therefore agreed that the existence of a demise was essential. Rex *v.* Goddard, Ld. Raym. 920; 3 Salk. 171; B. R. Trin. 2 Ann. Reg. *v.* Smith, 1 Salk. 342; B. R. East. 2 Ann.

1292. It is held, however, that though in counterfeiting an instrument the name of the party be diversified, yet will not the incongruity render the fabrication informal. Rex *v.* Fitzgerald, Leach, 20 (1). Rex *v.* Clinch, East P. C. c. 19. s. 37; Leach, 540 (2). Vide Rex *v.* Reading, East P. C. c. 19. s. 56; Leach, 590 (3). Inconsistency.

(1) Infra, pl. 1293. (2) Supra, pl. (3) Infra, pl.

1293. As where the will, for the forgery of which the prisoner was indicted, began with "I, Peter Perry," and ended "John Perry" his mark. Rex *v.* Fitzgerald, Leach, 20.

Indictment for forging the will of Peter Perry. *Case:* the will began, "In the name of God, amen: I, Peter Perry, &c." and ended "John his ⋈ mark. Perry." The prisoner Fitzgerald carried the will to the office of the deputy register, who, on observing the difference of the christian names, told him that he must produce the person who had written the will, or the person who was present when it was executed, in order to account for this error, before the probate could be granted. Fitzgerald accordingly produced the other prisoner Lee, who, in the name of Welsh, swore that he was one of the subscribing witnesses; that the name of the deceased was Peter Perry; that the said Peter Perry did make his mark to and deliver the said will; and that he (Welsh) had by mistake written the name John Perry instead of Peter Perry. Upon this a probate of the will was granted. *Question* reserved for the opinion of the judges, whether this was in law a forging of the will of Peter Perry. Their opinion was never publicly given; but the prisoners were executed. Rex *v.* Fitzgerald and Lee, Leach, 20; O. B. Sess. 1741.

1294. So where the prisoner in forging an order for the delivery of goods blundered in spelling the name (of the owner) of Desmockex instead of Desormeaux, no stress was laid on this, though on other grounds the indictment was holden bad. Rex *v.* Clinch, East P. C. c. 19. s. 37. 45.

Supra, pl. 1193.

1295. To accomplish then the fraud against B. in the case supposed, it is requisite that the writing wear upon its face the formalities prescribed by law to the validity of bonds. But to accomplish the fraud against the money lender, the only thing requisite is that its appearance be such as to induce him to believe it a valid instrument. Hence, though the writing be defective in legal formalities, yet if calculated to impose upon the lender's mind, it is sufficient to accomplish *this* fraudulent purpose, and is therefore, *in this relation or point of view*, a forgery. For should it be objected, that as every one is acquainted with the law, the writing, unless valid, cannot deceive, and therefore cannot possess that influence over the lender by means of which only its end can be attained; it may be replied, that this doctrine of legal omniscience is a fiction, invented to secure the ends of justice and convenience in particular cases, and having merely a legal existence, must be limited in its application by the principle which gave it birth; still less should it serve as an impunity for guilt (*b*). Common defect.

(*b*) Professor Hume observes, I have found nothing in the Scotch law to countenance the opinion, which in itself seems not to be a sound one, that the false writing must be drawn in such a shape as would render it, if true, a binding and an unexceptionable voucher in law. If, beside the falsehood, the deed labour under defects in point of form or regular execution, which might furnish a skilful observer with an exception to it, this does not touch the falsehood, does not alter the drift, or lessen the wickedness of the offender's purpose; nay, may not hinder it from being successful, and indeed does not more affect the chance of success than a dissimilitude of hand, or a blunder in the style of the deed; which circumstances, while they expose the fraud to detection, are however no obstacle to the inflicting of the ordinary pains. In general, it is not the rule of law with respect to any crime (for it would be a great encouragement to offenders) to hold that it has not been committed, because with a higher degree of circumspection on the part of the person injured, it might possibly have been prevented, if he has done nothing to facilitate or tempt to the commission of it. Thus the offender shall answer for it, as a forgery, though he have used

1296. Hence the doctrine, " that it is no way material whether a forged instrument be made in such a manner as, were it true, it would be of any validity or not," seems to be a just one, even though it refers to open defect. East P. C. c. 19. s. 43 (1); 1 Hawk. c. 70. s. 7 (2). Rex *v.* Reculist, Leach, 705 (3).

(1) The words of Sir Edward East are, It is said to be no way material whether a forged instrument be made in such a manner as, were it true, it would be of any validity or not; but this I conceive must be understood where the false instrument carries on the face of it the semblance of that for which it is counterfeited, and is not illegal in its very frame. Upon this ground it has been adjudged that the forgery of a protection in the name of one as being a member of parliament, who in truth was no member at the time, is as much an offence at common law as if he were so. East P. C. c. 19. s. 43, citing 2 MS. Sum. 343; 1 Hawk. c. 70. s. 7. Rex *v.* Deakins, 1 Sid. 142.

(2) The words of Hawkins are, It seemeth to be no way material, whether a forged instrument be made in such a manner that if it were in truth such as it is counterfeited for, it would be of validity or not; and upon this ground it hath been adjudged, that the forgery of a protection in the name of A. B. as being a member of parliament, who in truth at the time was not a member, is as much a crime as if he were. 1 Hawk. P. C. c. 70, s. 7, citing 1 Sid. 142.

(3) Infra, pl. 1311.

1297. And hence, where a prisoner, attached for a contempt, fabricated an order for his discharge from the plaintiff in the civil suit in which the attachment issued, a majority of the judges held it forgery: since, though the attachment (not being for payment of money in the cause) was a criminal proceeding, over which the plaintiff had no control; and as a discharge, therefore, from the plaintiff would have been a nullity, the fabrication, which purported to be such, was a nullity upon the face of it; yet its deceptive powers might still be complete, as indeed the event proved them to be. Rex *v.* Fawcett, East P. C. c. 19. s. 7.

Leander Fawcett, who was confined in the gaol of York under an attachment issued out of the court of B. R. for a contempt (but not for nonpayment of money), which was indorsed " By rule of court for contempt, Dawson ex parte Fawcett," was tried on an indictment framed as for a misdemeanor at common law; which charged in substance, that A. Dawson had prosecuted a writ of attachment out of B. R. directed to the sheriff of York, whereby he was commanded to attach the defendant, which writ was delivered to the sheriff, and by virtue of which he arrested the defendant; and that the sheriff by his warrant committed him to the custody of the gaoler; by virtue of which writ and warrant he was conveyed and detained in gaol for the cause expressed, there to remain until he should be thence discharged by due course of law. That the defendant contriving the due course of law to hinder and pervert, and by false means, &c. to procure his discharge and effect his escape, &c. on 26 Feb. 33 G. 3. with force and arms at, &c. did forge a certain writing, purporting to be signed in the name of the said A. Dawson, and to contain his authority to the sheriff for the defendant's discharge, as follows: " To the high sheriff of the county of York, his deputy, &c. and gaoler: as to any writ, attachment, or any other process or cause whatsoever at the suit, instance or promotion of me, A. Dawson, by reason whereof Leander Fawcett is now detained a prisoner in your custody, you may forthwith discharge and set at liberty him the said L. F. unless detained at the suit of some other person; and for so doing this shall be your warrant and indemnity. 26 Feb. 1793. A. Dawson," and witnessed by one R. W. That the defendant, further contriving to complete his evil purpose, forged a certain other writing, purporting to be an affidavit subscribed and sworn by one R. W. (the witness to the above order) before one J. P. one of the commissioners appointed for taking affidavits in B. R. of the following tenor (setting forth an affidavit of the execution of the before-mentioned order): whereas, in truth and fact, the paper writing in the said supposed affidavit mentioned was not the hand-writing of the said A. D. nor by him subscribed; nor the words " R. W." subscribed as witnessed thereto, nor the name " R. W." subscribed to the said supposed affidavit, the hand-writing of the said R. W.; and then it proceeded to charge, that the defendant produced and shewed the said several forged writings to the then deputy sheriff of the said county; and that the defendant, by colour and pretence of the forged order and affidavit, obtained his discharge from imprisonment. There was another count, in substance the same, for publishing the said order knowingly, &c. and thereby obtaining his discharge. The defendant was convicted, and the following questions were reserved for the opinion of the judges: 1° Whether the order were a matter of such a public nature that the counterfeiting of it would be a forgery at common

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used ordinary instead of stamped paper, or one sort of stamped paper instead of another; or have used the word legate or assign, instead of dispone, in forging a settlement of heritage; or though in forging a solemn deed he have omitted to design the writer, or have given a witness one name in the testing clause and another in the subscription; or, which is only a grosser blunder of the same class, though he adhibit a naked subscription of party, without witnesses, to a deed of that importance, which would not be valid with a genuine subscription in this unceremonious fashion. How defective soever the writing in all these instances, the contriver still made it as good as he could; published it as genuine, and proposed to deceive by means of it; though his knowledge of the forms of law has not enabled him to execute the project to the best advantage: so neither might the party concerned have had sufficient skill in these to discover the objection, and defend himself from such an attempt. I do not find that with us any panel has ever resorted to such a plea.

law. 2° Whether, as the attachment was for nonpayment of money, the order, if genuine, would not have been a mere nullity, and the sheriff not authorized to discharge the prisoner under it. 3° Whether upon this indictment the prisoner could be convicted of an offence within the 5 Eliz. c. 14. s. 3. 4° Whether, if he could be so convicted, the punishment prescribed by that section of the statute is so far specific, that it must necessarily be directed by the sentence. Upon the conference in Easter term 1793, the cases of Ward and Dickens were cited. Lord Kenyon, C. J. and Eyre, C. J. said, that there was an injury to a third person, and that it was an interruption to public justice; but the latter thought that it was not a forgery, but a cheat. The matter was adjourned to Trinity term, when Eyre, C. J. was still not satisfied as to the forgery, though he thought the indictment good as for a cheat. But all the judges concurred in holding, that the offence was indictable as for a misdemeanor at common law; and a great majority (*c*) also thought it was forgery at common law. Rex *v.* Fawcett, East P. C. c. 19. s. 7; cor. Buller, J. at York Spring Ass. 1793.

What degree of resemblance to the genuine instrument is sufficient.

1298. A fabrication, then, though wanting in legal formalities, and therefore not to be enforced at law, is nevertheless a forgery at common law, provided it be so framed as to be calculated to induce others to believe it a genuine instrument. And the question arises, when the deceptive powers of such a fabrication shall be considered complete.

Where the law has prescribed a set form.

1299. And the rule is, that a counterfeit wearing such a resemblance to the genuine instrument as will make it pass for genuine with persons in general, though it might not with those specially versed in these matters, is a forgery. Rex *v.* Elliot, Leach, 175; East P. C. c. 19. s. 44 (1). Rex *v.* Hoost, East P. C. c. 19. s. 44 (2). Rex *v.* Collicott, Leach, 1048; 4 Taunt. 300 (3).

(1) Indictment for forging the following note:

"No. 17. 73.

"I promise to pay Mr. Jos. Crook, or bearer, on demand, the sum of fifty

"£.50. London, 20 June 1775.

For the Gov^r and Company of the Bank of England,

"Ent^d C. Blewart. Tho^s Thompson."

In some of the counts the instrument was stated to be a bank-note, in others a note in the form of a bank-note; but the fifth count, the one relied on, and on which the question turned, charged that the prisoner forged "a certain promissory note for the payment of money, with the name of Thomas Thompson thereto subscribed, purporting to bear date, &c. and to have been signed by one Thomas Thompson for the governor and company of the Bank of England, for the payment of 50*l.* to Mr. J. C. or bearer, on demand (the tenor of which was set forth as above), with intent to defraud the governor and company of the Bank of England." *Case:* It appeared that the note both in paper and print much resembled a real bank-note, but that in the fabric of the paper, which was rather thicker than the Bank paper, there was wanting what is called the water-mark, namely, the words "Bank of England;" that the number was not filled up; and that in the body of the note the promise was only to pay the sum of "fifty," the word "pounds" not being added in writing, as is usually done in such notes as have not the word pounds engraved therein, being calculated for the insertion of broken sums; but at the bottom of the note there was engraven 50*l.* *Objected:* 1° That this was not a note resembling a bank-note, for want of the water-mark; 2° neither was it a note for 50*l.* as the word pounds was not inserted; but it was left to the jury to consider whether the word fifty imported pounds, which they found in the affirmative. *Held,* by ten judges (absent two), that the indictment was sustained. Since, first, in forgery there need not be an exact resemblance; it is sufficient that the instrument is primâ facie fitted to pass for a true one. Secondly, the major part inclined to think, that the omission of pounds in the body of the note, had nothing else appeared, would not have exculpated the prisoner; but it was matter to be left to the jury, as was done in this case, whether it purported to be a note for 50*l.* or any other sum; but all agreed, that the 50*l.* in the margin removed every doubt, and shewed that the fifty in the body of the note was intended for pounds. Rex *v.* Elliot, East P. C. c. 19. s. 44; Leach, 175; at Maidstone Sum. Ass. 1777.

(2) Infra, pl. (3) Infra, pl. 1302.

1300. And though this account still leaves the rule very much at large, and in a manner without any fixed or determinate limitation, it is impossible, whilst keeping in generals, to define it with greater exactness: in every new case, the judgment is the standard to which recourse must be had, aided by the analogies to be drawn from decisions.

1301. But two observations may be made; first, that it will be better policy not to be over nice in the point of resemblance: how great soever the dissimilarity, the guilt and consequent corruption of the criminal's own mind and those of others (the main evil which crime occasions) are the same; and with regard to the party duped, the law should regard the ignorant peasant the same as the knowing lawyer.

(*c*) Mr. Justice Buller's MS. only makes a quære as to the opinion of Eyre, C. J.; but it appears from other MSS. as well as his own, that the judges all concurred to sustain the conviction on the general ground only before-mentioned. East P. C. c. 19. s. 7.

1302. Secondly, that where those parts of a counterfeit which plainly distinguish it from the genuine instrument are concealed or defaced by the fabricator, it is thereby made a forgery, though in its original form it wanted the legal requisites: since those characteristics which alone would have neutralized its operation as an instrument of fraud are no longer apparent. Rex *v.* Collicott, Leach, 1048; 4 Taunt. 300.

Indictment on 44 G. 3. c. 98. for forging and uttering medicine stamps. *Case:* The forged stamps were of an oblong form, coloured with red ink, similarly to the stamps issued by government for patent medicines, and having like them at one end the word "stamp," and at the other end the word "office" printed transversely; and on a blank on the first-mentioned end, printed longitudinally, the words "*value above one shilling*," and on a blank on the other end, also printed longitudinally, the words "*not exceeding* 2*s.* 6*d.*" as the legal stamps also have. The legal stamps have in the centre a circle which in the counterfeit was all blank, except that it bore the words "*Jones*, Bristol," painted thereon; whereas in the legal stamp that circular space was circumscribed with a red ring, and inscribed with another smaller red ring, and in the circular space between the two rings were printed the words "*duty three pence*;" and on the space within the inner red ring on the legal stamp was impressed, in red ink, the figure of a crown. When the prisoner used these stamps, he cut out the circular space bearing the words "*Jones, Bristol*," and pasted on the packets of medicine the two ends of the label without the middle part, and concealed the deficiency of that part by a waxen seal extending over it. Stamps in this state were uttered by the prisoner, affixed to the bottles and boxes of medicines which he sold. It was proved by the supervisor of stamps in the stamp office, from the parts which remained, that these stamps never had been genuine stamps, but that the alterations had been so well made, that they might be imposed upon a common observer for legal stamps; and that he himself, if he had gone without suspicion to purchase any of the packets of medicines to which they were affixed, should have bought them without scruple; for that those parts which met the eye were so like the same parts in genuine stamps, that it required critical inspection to discern the difference. *Objected*, that the forged stamp was not a sufficiently near resemblance of the genuine stamp to constitute forgery. *Held*, by the twelve judges (*d*), that the offence was forgery. It was proved that this stamp had, in every respect and in all its parts, a perfect resemblance to a genuine stamp, excepting only that the centre part in a genuine stamp, which specifies and denotes the duty, was in the forged stamp cut out, and a paper with the words "*Jones, Bristol*," on it pasted over the vacancy. It was also proved that those parts which still remained were a perfect resemblance of the same parts on the genuine stamp, and that the whole was a fabrication so artfully contrived as to be likely to deceive the eye of every common observer. An exact resemblance or fac simile is not required to constitute the crime of forgery; for if there be a sufficient resemblance to shew that a false making was intended, and that the false stamp is so made as to have an aptitude to deceive, that is sufficient. In this case the jury, by their verdict, have found that this stamp had a sufficient likeness to give it an aptitude to deceive (*e*), which is all the law requires. Rex *v.* Collicott, Leach, 1048; 4 Taunt. 300; cor. Le Blanc, J.; O. B. Jan. 1812; O. B. Feb. 1812.

1303. Notwithstanding the circumstance, that fabrications wanting in legal formalities are forgeries at common law, as well as those which are complete, it was necessary to distinguish between the two for the following reasons: 1° The form of indictment proper to the one is inapplicable to the other. 2° Formal writings are criminal per se; informal, perhaps, only with the aid of a collateral circumstance. 1° The indictment may characterize a formal writing by the name of the class to which it professes to belong; for example, as an assignment. But one informal must be described as a writing only, since it is only by the concurrence of certain forms that a writing becomes and therefore is entitled to the appellation of an assignment (*f*). 2° If it be essential (*g*) to the crime of forgery that some person in particular must be intended for the dupe, then

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(*d*) On the argument, Lord Ellenborough, C. J. observed, the anterior state of this forged stamp can make no difference. If the part of difference is extinguished, it is the same as if it had never existed. Suppose a man were to counterfeit a coin with the name and head of a foreign prince upon it, and then efface it, so that it would look like a defaced English coin, would not that be a forgery?

(*e*) One of the counts described the mark as forged and counterfeited to *resemble* a certain mark, &c.

(*f*) It is upon this account, as will be shewn hereafter, that informal writings are not within the *statutes* of forgery; since those statutes do not denounce the fabrication of writings generally, but the fabrication of *deeds*, *bills*, &c.; not having no claim to the denomination of a deed or a bill; unless it possesses certain formalities, the writing, when it wants these forms, is not of the class denounced, and so is not within the statutes.

It is this circumstance, chiefly, which renders it necessary to treat, in separate divisions, of forgery at common law and forgery by the statute law; and to the want of this separation (for text writers hitherto have considered them as depending upon the self-same principles) the indistinct notions which prevail upon this branch of criminal law are ascribable.

(*g*) Vide supra, pl.

without some collateral circumstance evincing who this person is, an informal writing is not indictable. By a formal instrument, an obligation is always imposed upon some person in particular; a formal instrument, therefore, always designates some person in particular as the dupe. But an informal instrument, being a legal nullity, imposes no obligation upon any one; to prove, therefore, that the fabrication was intended to defraud some person in particular, recourse must be had to some collateral circumstance; the circumstance, for example, of the forger's confession, or of his having induced a loan upon the faith of the writing.

Writings, though not stamped, are forgeries

1304. By different revenue statutes, stamps are imposed upon almost all writings of a legal denomination. And the question has arisen, whether the fabrication of a writing liable to stamp duty must, to be punishable, be stamped itself.

1305. If a stamp be necessary, it must be for one of the following reasons: 1° That otherwise it is deficient in legal formalities; 2° that otherwise it is deficient in the power of deceiving; 3° that otherwise its existence cannot be perceived by the court.

1306. As to the first: a stamp is required, not to render the instrument what it purports to be, but as a passport to its admissibility in evidence. Hence the legal character of the feigned, as of the genuine writing, being complete without a stamp, the first ground for imposing it fails. Rex *v.* Reculist, Leach, 703.

Infra, pl. 1311.

1307. The second reason for requiring a stamp may be admitted, for a moment, in order to withdraw what it is not entitled to. And the rule would then be, that where the want of a stamp may be supplied, the fabrication, though unstamped, is a forgery; and only where otherwise, not: since in the former case, for any thing that appears, the instrument may be made available, and its deceptive qualities, therefore, are complete; in the latter only is it apparently waste paper, and cannot impose upon any one. Rex *v.* Hawkeswood, East P. C. c. 19. s. 45; Leach, 257.

Infra, pl. 1311.

1308. The second reason, therefore, for requiring a stamp, can only be advanced where the want of a stamp cannot be supplied; and its foundation is, that as every one is acquainted with the law, the writing is a nullity within the knowledge of all, and so cannot deceive.

1309. This doctrine of legal omniscience has already been considered. If rejected, the second reason for requiring a stamp falls to the ground; but if irrefutable, it would be impossible, without the authorities, to dispose of it. Rex *v.* Morton, East P. C. c. 19. s. 45.

Infra, pl. 1311.

1310. The third reason for requiring a stamp is, the prohibition against admitting unstamped instruments in evidence. But stamps are therefore required for this reason, and no other—to make the writing available in that particular character in relation to which a stamp is imposed; now a prosecution for forgery does not seek to make the writing available in that character, and in which alone is it liable to duty. Rex *v.* Reculist, Leach, 703.

Infra, pl. 1311.

1311. And accordingly, the rule is settled to be, that a forged writing to be punishable (which includes its admissibility in evidence) need not be stamped (*h*).

(*h*) Sir Edward East observes, "In truth if the matter be duly considered, the words of the stamp acts before mentioned can only be applicable to a true instrument; for a forged instrument, when discovered to be such, never can be made available though stamped. The acts therefore can only be understood as requiring stamps on such instruments as were available without a stamp before those acts passed, and which would be available afterwards with a stamp." East P. C. c. 19. s. 45.

Rex *v.* Hawkeswood, East P. C. c. 19. s. 45; Leach, 257 (1). Rex *v.* Morton, East P. C. c. 19. s. 45 (2). Rex *v.* Reculist, Leach, 703 (3). Rex *v.* Davies, East P. C. c. 19. s. 45 (4). Rex *v.* Teague, East P. C. c. 19. s. 45 (5).

(1) Indictment for forging a bill of exchange. The bill was not stamped pursuant to the 23 G. 3. c. 49. s. 14, and 23 G. 3. c. 58. s. 11, which enact, "That no bill of exchange, not stamped as those acts direct, shall be pleaded or given in evidence in any court, or admitted in any court to be good, or available in law or equity." *Objected*, that the instrument in question, even supposing it to be genuine, was not a lawful bill of exchange, but a piece of waste paper, incapable of becoming the subject of either a fraud or felony; that the party who took it must at the time have known that it was not a legal bill of exchange, or he must have been grossly negligent, for the defect is visible on the face of it. *Held*, at the trial, that the stamp acts, above-mentioned, being revenue laws, and not purporting to alter the crime of forgery, could not affect the present question. And confirmed by the twelve judges; for the stamp act, in saying that a bill without a stamp shall not be pleaded or given in evidence, or be available in law or equity, means only that it shall not be made use of to recover the debt; and besides, the holder might get it stamped after it was made. Rex *v.* Hawkeswood, East P. C. c. 19. s. 45; Leach, 257; cor. Buller, J. Worcester Lent Ass. 1783.

(2) Indictment for uttering a forged promissory note. *Objected*, that the note was on unstamped paper. *Decision:* The case underwent much consideration, and was debated by the judges in Michaelmas term 1795, and in Hilary and Easter terms 1796, on the principal point, as well as upon the question, whether the 31 G. 3. c. 25. s. 19, which passed after Hawkeswood's case, and prohibits the stamp to be affixed afterwards, had made any difference. And though two or three of the judges doubted at first the propriety of Hawkeswood's case if the matter were res integra, yet they all agreed that being an authority in point they must be governed by it; and that the 31 G. 3. c. 25. s. 19, made no manner of difference in the question; for that the only thing to be regarded was the state of the note at the trial, and not what might be its state afterwards. And most of the judges maintained the principle of Hawkeswood's case to be well founded: for they held that the acts of parliament which had been referred to and relied on, being mere revenue laws, meant to make no alteration in the crime of forgery, but only to provide that the instrument should not be available for the purpose of recovering on it in a court of justice; but it might be received in evidence for a collateral purpose: and instances of this might occur under the 6th sect. of 31 G. 3, by which persons drawing bills on unstamped paper were chargeable with the duties; and also, under the 10th sect. of the same act, by which they are made liable to a penalty of 20 *l.*; in both which cases the note or bill must be used in evidence. That it was not necessary to constitute forgery, that the instrument should be available. That though a compulsory payment by course of law could not have been enforced for want of the proper stamp, yet a man might equally be defrauded by a voluntary payment being lost to him. That if this were a sufficient defence, forged securities might be published on improper stamps with impunity, which would carry the mischief to an alarming extent. That the stamp itself might be forged; and it would be a strange defence to admit in a court of justice, that because a man had forged the stamp he ought to be excused for having forged the note itself; which would be setting up one fraud in order to protect him from the punishment due to another. Rex *v.* Morton, East P. C. c. 19. s. 45; at York Sum. Ass. 1795.

(3) Indictment for uttering a forged promissory note. *Case:* The note had no stamp upon it. *Objected*, that it could not be given in evidence, the then stamp act enacting, that "for every piece of paper upon which any promissory note shall be written, there shall be charged a stamp duty of, &c.; and that no promissory note liable to the duties by this act imposed, shall be pleaded or given in evidence in any court, or admitted in any court to be good, useful or available in law or equity, unless the paper on which such note shall be written shall be stamped." *Held*, by a majority of the twelve judges, that the objection was untenable. The question whether the writing is or is not a promissory note depends upon the *tenor* of the instrument, and not upon the circumstance of its being stamped or not stamped. An instrument in writing, by which one person promises to pay to another person so much money, must, by force of the words, be a promissory note; and the paper writing in the present case is an instrument precisely of that description. But admitting it to be a promissory note, it is contended that it cannot be given in evidence as such, because it is not stamped. It has, however, been determined in the case of Rex *v.* Hawkeswood, (East P. C. c. 19. s. 45; Leach, 257,) that a bill of exchange, though not stamped, is an instrument on which forgery may be charged; and the reason given in that case is completely satisfactory, namely, that the stamp acts being revenue laws, and not intended to affect the crime of forgery, cannot alter the law respecting it. The stamp is not, properly speaking, any part of the instrument; it is merely a mark impressed on the paper to denote the payment of a duty; and is merely collateral to the instrument itself. To constitute the crime of forgery, it is not necessary that the instrument charged to be forged should be such as would be effectual if it were a true and genuine instrument; for it has been decided in several cases, that to forge the last will of a person who is not dead, is a capital offence; and yet such an instrument never could operate as a will in contemplation of law during the lifetime of the supposed testator. So also in Crook's case, (Str. 901,) it was determined that forging a lease and release of lands is a capital offence, although drawn under circumstances which, if they had been genuine, would have rendered them ineffectual. The promissory note, in the present case, is of this kind. The purpose for which stamps are ordered to be affixed to various instruments is merely to raise a revenue; and as to the statutes enacting, that "no promissory note, not stamped as therein directed, shall be pleaded or given in evidence in any court, or admitted in any court to be good or available in law or equity," the legislature thereby meant only to prevent their being given in evidence when they were proceeded upon to recover the value of the money thereby secured. It is certain that no holder of such an instrument as the present could, if it had been genuine, have founded an action upon it, and given it in evidence as a *promissory note*; but it is equally

certain, that it might have been given in evidence on other occasions; as for instance, if any person negotiating it were to be sued for the penalty inflicted upon the offence of negotiating such an instrument unstamped, there is no doubt but that it might be given in evidence; and this instance shews most clearly that it was properly received in evidence on the trial of this indictment, notwithstanding the seeming prohibitory words in the statutes. The most material point of consideration in this case was, whether it did not differ from Hawkeswood's case, inasmuch as the bill of exchange there might have been afterwards stamped, as the law then stood; and this promissory note, as the law now is, could not: but the same argument applies to this case as was used in that; namely, that the stamp acts are revenue laws; that the crime of forgery is a false making of any instrument with intention to defraud; that the stamp acts do not destroy its nature as a promissory note, but only prevent a recovery from being had on it; and that if the argument in support of the objection were permitted to prevail, the most pernicious consequences would ensue; for then, by a parity of reasoning, the forging of a note upon paper whereon there is a stamp of less value than the law requires, or a bond, or lease and release, or any other instrument where a stamp is required, might be practised with impunity. Rex *v.* Reculist, Leach, 703; East P. C. c. 19, s. 45; cor. Thompson, B.; O. B. Jan. 1796.

(4) Cor. Grose, J. Surrey Spring Ass. 1796.

(5) Indictment for forging a *bill of exchange*. *Case:* The forgery was by altering a genuine bill for 10*l.*, changing 10 into 50*l.* The bill was drawn on a sixteen-penny stamp, which is the proper stamp for *promissory notes* of 10*l.* which are to be reissued after they shall have been paid. The bill had been reissued three times as a 10*l.* bill. *Objected*, that the act permitting the reissuing of *notes* after the same shall have been paid relates only to *promissory notes*, but this is *a bill of exchange*, and could not be legally reissued without a fresh stamp; and having been reissued three times before it was altered, it was not a valid bill for 10*l.* at the time it was altered to 50*l.*, and therefore it was not that species of forgery which consists in altering a true and valid bill. *Held*, by the twelve judges, that the objection was untenable. It had been decided that the stamp acts had no relation to the question of forgery; but that supposing the instrument forged to be such on the face of it as would be valid provided it had a proper stamp, the offence was complete. Rex *v.* Teague, East P. C. c. 19. s. 55; cor. Le Blanc, J. Hereford Sum. Ass. 1802.

SECTION VIII.

The Fabrication, by the Statute Law, considered in relation to Sufficiency; and First, as depending upon Intrinsic Circumstances.

Tendency to injure.

1312. The common-law rule has been stated to be, that how clear soever the fraudulent purpose, unless the writing is sufficient to accomplish that purpose, it is not a forgery.

1313. But the statute law, in describing the offence denounced, has no expressions rendering this circumstance an essential quality; it makes the intent to injure the only thing essential, without also requiring a tendency to injure. Rex *v.* Newton, 3 Keb. 356 (1). Rex *v.* Crooke, Str. 901 (2). Vide etiam Rex *v.* Holden, Leach, 1019 (3).

(1) Infra, pl. 1314. (2) Infra, pl. 1314. (3) Infra, pl. 1314. in notis.

1314. Under the statute, therefore, of the fifth of Elizabeth, denouncing forgery "with intent that (not adding "and whereby") a right may be defeated (*a*)," a tendency to injure is not essential to the crime. Rex *v.* Newton, 3 Keb. 356 (1). Rex *v.* Crooke, Str. 901 (2). Vide etiam Rex *v.* Holden, Leach, 1019 (*b*).

(1) Action upon the 5 Eliz. c. 14. for forging a deed, whereby Reebottom was disturbed of his freehold. *Objected*, that it was not said that Reebottom had any interest in the land. *Decision:* Sed non allocatur, being *to the intent* to disturb a stranger. Rex *v.* Newton, 3 Keb. 356. 367. 388; B. R. Mich. 26 Car. 2.

(2) Indictment on 5 Eliz. c. 14. for forging a lease and release, stating that Garbutt and his wife were seised of certain messuages, lands and tenements called Jawick, (containing in fact 300 acres,) and the

(*a*) The words of the second section are, "If any person shall forge any false deed, &c. to the intent that the state of freehold, &c. shall or may be molested."

(*b*) In the case of the King against Holden, supra, pl. 1277, the prisoner rested his defence upon this amongst other grounds, "that the Bank could not be defrauded; the possibility of which was essential to the offence." Now admitting, for the sake of argument, that they could not, yet the circumstance seems to be immaterial. The words of the act are, "with intent to defraud," not adding, "and whereby another may be defrauded." The latter circumstance, therefore, is not a quality of the crime, and can no otherwise be important than to furnish a presumption, coupled with other circumstances, against the existence of the former. The case of the King against Ward, supra, pl. 1284, quoted by the prisoner in aid of his doctrine, was a prosecution for forgery at common law.

conveyance forged by the defendant was of Jawick *Park*, containing 4,000 acres; charging it to have been done with intention to cheat Garbutt and his wife. *Objected*, that the premises supposed to be conveyed were so materially different from those which were really the estate of Garbutt and wife, that it was impossible this conveyance ever could molest or disturb them. *Decision:* According to Strange, the court for several terms inclined strongly with their objection. And according to Masterman and Fitzgibbon, the following was the course of the discussions. They all agreed that the intent of the party to molest the estate was a matter of fact proper to be left to the jury upon the evidence, and that the quo modo which was evidence of such intention need not be stated in the indictment. The principal question seemed to be, whether it were necessary to bring the case within the statute, that the deed, supposing it to be genuine, should be such as might possibly have an effect; which Raymond, C. J. seemed to think this deed could not have by reason of the variance; it not being laid in the indictment that Garbutt was seised of Jawick Park, or that Jawick Park was part of Jawick, or that the lands were known as well by the one name as the other, or any other matter whereby to ascertain them to be the same; and there being no averment of any previous treaty concerning Jawick, in consequence whereof there was a conveyance of Jawick Park, which (if it had been a real transaction) would he thought have laid a foundation for a court of equity to decree a conveyance of Jawick: so that, he observed, the objection in all its force was reduced to this, that upon the face of the indictment no title could be made either in law or equity to the lands of Jawick. Page, J. observed, that the statute did not require that the deed should be for the conveyance of lands or any thing else in the possession of the party; but it might be any deed by which the party might be disturbed, and the intent was a matter of fact proper to be left to the jury. No ejectment would lie in this case; nor even if the conveyance had been of Jawick could it have had any effect, being a forged deed, which was no deed at all. But he seemed to think, that if the deed had been really executed by Garbutt and his wife, with that mistake, a court of equity would have obliged them to execute a proper deed. And if they would have been liable in case of a true deed, they might be said to be liable to be disturbed under colour of a false one till it was discovered to be such. Probyn, J. also thought that the estate would have been bound in equity, if it had been a true deed, with such a mistake it it. Lee, J. said, that all that was necessary was, to charge such facts in the indictment as constituted the offence created by the statute; and it was not necessary to lay those facts which were evidence of the intention, because that was proper for the jury, and they had found the intention. And though the deed as it was set out might not have any operation in law, yet the intention of the defendant might be such as to molest the possession of Garbutt, as if the deed had been good. Ultimately judgment was given for the crown; but the reports differ materially respecting the grounds. According to Masterman, the statute did not mean that there should be a forged conveyance of the very lands; but if it were any deed whereby the party might be molested, it was sufficient. That in this case the variance was only as to the description of the lands; and if such a variation were to get the offender off, it would defeat the statute. That it was not necessary that the land should be really affected by the forged deed, or that the party should be evicted; but if he might be disturbed by it, it was within the intent of the act. That in this case it was proved, that after the deed was forged, the defendant sent word that he had purchased Jawick, and that he had actually taken out writs against the tenants of Jawick in order to eject them. According to Strange, the words of the act are, "to the intent that the state of freehold or inheritance of any person to any lands, &c. or the right or title of, in and to the same, shall or may be molested, troubled, defeated, recovered or charged." By this it appears, that it is not necessary there should be a charge, or a possibility of a charge; it is sufficient that it be done with that intent, and the jury have found that it was done with intent to molest Garbutt and his wife in the possession of their lands. Rex *v.* Crooke, Str. 901; Fitzg. 57. 261; Masterman's notes, East P. C. c. 19. s. 33; B. R. East. 4 G. 2.

Resemblance to genuine instrument.

1315. It is observable, however, that the statute law, in denouncing forgeries, has almost invariably made use of terms, which render it necessary that the fabrication should wear upon its face all the legal requisites of genuineness. And that, unlike the common law, it does not denounce the forgery of any writing, but writings of this or that legal denomination only; now having no claim to this denomination, unless it possess certain formalities, the writing, when it wants them, is not within its provisions.

1316. It speaks, for example, of forging (that is, making what is false in fact, but which in law is) (*c*) a deed, a will, a bill of exchange, and so forth; seldom adding—or resemblances of the same.

1317. Whence, without this addition, it follows, that how worthy soever of punishment a fabrication may be, yet if it is wanting in the formalities prescribed to its class, it is not invested with the character denounced, and therefore is not within the statute law.

1318. Hence, where a statute has declared void instruments which deviate from a form prescribed, a fabrication, deviating from that form, is not within another statute punishing the forgery of the class of instruments to which this professes to belong. Rex *v.* Moffatt, Leach, 431; East P. C. c. 19. s. 45.

Infra, pl. 1319.

(*c*) The expression in 5 Eliz. c. 14. is 'any false deed.'

1319. The fabrication, therefore, of a bill of exchange for less than 5 *l.* was adjudged to be no forgery within the 2 G. 2. from its not specifying the place of abode of the payee, and not being attested by any subscribing witness; omissions which, by the 17 G. 3. c. 30. s. 1. make such instruments void. Rex *v.* Moffatt, Leach, 431; East P. C. c. 19. s. 45.

Indictment for uttering a forged acceptance on the following bill of exchange.

"Navy Office, 21st Dec. 1786.

"Sir, seven days after date, please to pay to Mr. John Moffatt or his order 3 *l.* 3 *s.* and place the same to the account of, &c. Walter Stirling.

"To George Peters, Esq. Bank of England.

"Acc^{d}—George Peters."

Objected: whether this amounted to forgery, the bill not specifying the place of abode of the payee, nor being attested by any subscribing witness; under which circumstances, the bill being for less that 5 *l.* is by stat. 17 G. 3. c. 30. s. 1. declared void. *Held*, by the twelve judges, that it was not forgery within the statute; for if it had been a genuine instrument, it would have been absolutely void, and nothing could have made it good; and since the statute such an instrument is no bill, and has not the appearance or semblance of one. And this was distinguished, on the conference, from Hawkeswood's case, where the holder of the bill had a right to get it stamped, and the stamp act only says, that it shall not be used in evidence till stamped. Rex *v.* Moffatt, East P. C. c. 19. s. 45; Leach, 431; cor. Adair, Rec. O. B. Jan. 1787.

1320. So an indictment, on the 2 G 2. for forging a receipt for money, will not lie, where the fabrication does not specify from whom the contents were received: since, without this circumstance, the instrument could not be enforced as a receipt, and, therefore, is not of the class denounced. Rex *v.* Lyon, Leach, 597; East P. C. c. 19. s. 36.

Indictment on the 2 G. 2. c. 25. for forging a scrip receipt for 2,000 *l.* three per cent cons., charging it to be a receipt for money, in this form:

"£. 2,000, three per cent annuities 1793.

"By virtue of a resolution of the House of Commons for raising 4,500,000 *l.* for the service of the year 1793.

"Received of the sum of 144 *l.* for the deposit of 10 *l.* per cent on 1,440 *l.* subscribed by him in pursuance of the abovesaid resolution; and upon due payment of the remaining 90 *l.* per cent of the said sum of 1,440 *l.*, the said subscriber or his assigns, by indorsement hereon, will in exchange for this *receipt* become entitled to 2,000 *l.* joint stock of three per cent annuities, which were consolidated at the Bank of England by certain acts, &c. the interest to commence from the 5th January 1793, &c. Witness my hand this 4th April 1793. } £. 144.

"Entered. W. Johnson. T. Thompson."

"31st May.

"Received 144 *l.* for second payment.

"Entered. W. Smart. T. Thompson."

Setting forth like receipts for other payments to the fifth inclusive. *Demurrer:* on the ground that the instrument forged was not *a receipt* for money within the statute, inasmuch as it was not filled up with the name of the subscriber or person from whom the money was received. *Held*, by the twelve judges, that it was not a receipt within the act. It is the duty of the cashier appointed by the directors of the Bank to receive these kind of subscriptions, to fill up the receipts with the names of the subscribers or persons from whom they originally receive the money; for until the blank left in the printed form be so filled up, the instrument does not become an acknowledgement of payment, or, in other words, a receipt for money. If any assignee of the stock, or other person, take such a paper without the subscribers name being inserted therein, he has no reason to complain of it as a fraud, because, if fraud ensue, it is the consequence of his own negligence for if he had merely looked at it he must have perceived that it was nothing more than waste paper. It is, while in such a state, no more a receipt than if instead of the name of the original subscriber being omitted, it had omitted to state the sum professed to be received. The second count only sets out the first receipt, and it was said that for any thing that appears to the contrary it may be a receipt for money from the assignee of this stock, but the same objections apply to this count as were made to the instrument as stated in the first count. It was said that this instrument appears to be as much a receipt as that did which was set forth in the case of Rex *v.* Harrison, namely, "1777, June 16, bank-notes, C. 3,210 *l.*:" but in that case, the book in which the entry was made imported to be a book containing receipts for money received by the Bank from their customers, and therefore shewed that the money was received from the party to whom the book belonged. The prisoner was accordingly discharged. Rex *v.* Lyon, Leach, 597; East P. C. c. 19. s. 36; O. B. Dec. 1793.

1321. So the fabrication of a will of freehold property (as, until the contrary appear, landed property will always be presumed to be) not purporting to be attested by three witnesses, is not a forgery within the 2 G. 2.: since a genuine

writing not so attested would be no will in law, and the fabrication, therefore, is not of the class denounced. Rex *v.* Wall, East P. C. c. 19. s. 45.

Indictment for forging and uttering a will of land (*c*) of John Skidmore, deceased, attested by only two witnesses. *Case:* It did not appear in evidence (*d*) what estate the supposed testator had in the land so devised, or of what nature it was; wherefore it might be presumed to be freehold, and therefore the will void and of none effect by the express enactment of the statute of frauds, for want of the attestation of three witnesses. *Held*, by the twelve judges, that the prisoner must be acquitted; for as it was not shewn to be a chattel interest, it was to be presumed to be freehold. Rex *v.* Wall, East P. C. c. 19. s. 45; cor. Thompson, B.; at Worcester Spring Ass. 1800.

1322. So, a writing in this form, "I promise to pay to J. Usher, or bearer, 10 *l.* for Self & Co. of my bank of England," is not a forged bank of England note: since (as the principle of the decision is) a genuine instrument of that form could not operate as such. Rex *v.* Jones, East P. C. c. 19. s. 45; Dougl. 302; Leach, 204.

Infra, pl. 1323.

1323. Nor, and for a similar reason, is a writing in that form a promissory note for payment of money. Rex *v.* Jones, East P. C. c. 19. s. 45; Dougl. 302; Leach, 204.

Indictment on the 15 G. 2. c. 13. s. 11. for uttering, 1° a forged paper writing purporting to be a bank-note; 2° a note purporting to be a bank-note; 3° a forged paper writing purporting to be a promissory note for payment of money; setting forth the instrument as follows:

"No. F. 946.

"I promise to pay John Wilson, Esq. or bearer 10 *l.*

"£. 10. London, March 4th, 1776.

"Ent[d] John Jones. For Self & Company
of my bank in England."

Case: The jury found specially that the instrument was not a note filled up by any of the officers of the Bank of England, nor entered in their books, but was forged: that the prisoner, knowing the same, averred it to be a good bank-note, and put it away as such; that the disponee, believing it to be a good bank-note, gave the full value of it; and that the Bank frequently pay bank-notes which are filled up by their officers and entered in their books, though they happen not to be signed. *Objected:* 1° that the instrument did not purport to be a promissory note for payment of money; and allowed by the prosecution; 2° that it did not purport to be a bank-note. *Held*, by K. B. that it did not. Lord Mansfield said, that the representation of the prisoner afterwards could not vary the purport of the instrument: on the face of it it did not purport to be a bank-note. Rex *v.* Jones alias Thorowgood, East P. C. c. 19. s. 11; Leach, 204; Dougl. 302; cor. Ld. Mansfield, at Chelmsford Sum. Ass. 1779.

1324. So a fabricated order for the payment of a reward, as for the apprehension of a vagrant, was adjudged to be no forgery within the 7 G. 2., from its not pursuing the form prescribed for such order by the 17 G. 2. c. 5. s. 5. Rex *v.* Rushworth, 1 Starkie, 396.

Infra, pl. 1325.

1325. Nor was the circumstance of the order being in the current form allowed to influence: since practice cannot change the law, and therefore cannot give to a writing that legal denomination to which it otherwise would not be entitled. Rex *v.* Rushworth, 1 Starkie, 396.

Indictment on the 7 G. 2. c. 22. for forging an order for payment of money, as follows;

"West Riding of Yorkshire, to wit. } To the Treasurer of the said Riding.

"Pay unto the constable of Stanley, in the said riding, or his order, the sum of 4 *l.* 10 *s.* for apprehending and conveying to the house of correction at Wakefield, the bodies of James Wood, Mary Wood, &c. (*naming them*) as vagrants, committed by me 7th day of February, and 6 *d.* for this order. Given under my *hand* this 23d day of March 1816.

"£. 4. 10. 6. J. Taylor."

Case: Evidence was adduced to shew, that in the west riding of Yorkshire, it had been customary to make orders in a form similar to that of the order stated in the indictment, and that orders in that form had been constantly paid by the treasurer. *Objected*, that the order in question was not an order for

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(*c*) The will set out was of this tenor: "Dec. 6th, 1795. I, John Skidgmer, give and bequeath to Tho[s] Wall all the said premises belonging to the said John Skidmer, which he baut of the said Tho[s] Wall and Sarah Hasten. He pays rent so long as mee and my wife lives, and at our deces he shall have all the said premises again. He shall not mortgag nor sell the said premises so long as he lives, to be left to his children if the be the longest livers, or eles to the nerest friend he has. John Skidmore. Witness my hand, John Collett and Rich[d] Wall."

(*d*) It was suggested to be only leasehold, but no proof was given of it.

the payment of money within the scope of the statute 17 G. 2. c. 5. s. 5, since, in the first place, it did not purport to be under seal, and was not directed to the high constable of the riding as the act required; and that therefore the requisites of the act not having been complied with, the instrument, supposing it to have been genuine, would have been perfectly inoperative. The defect was not merely a collateral one, but was to be found in the frame and structure of the instrument itself. Then supposing the stat. 17 G. 2, to be out of the question, the case could not fall within the 2 G 2, since it was nothing more than an order by Mr. Taylor, the magistrate, on Mr. Lee, the county treasurer, for the payment of a sum of money over which Mr. Taylor had no control or dominion whatsoever. The only means by which the order could be considered as obligatory, was the stat. 17 G. 2, and the requisites of that statute not having been complied with, the order, supposing it to have been genuine, would have been perfectly nugatory. In *Answer*, it was contended principally, that since orders in the form of the order in question had been generally drawn and acted upon in the west riding, it was not essential to bring the prisoner within the statute, that the order should comply with the requisites of the 17 G. 2. c. 5; it was sufficient that it pursued the usual form, and was therefore capable of being the instrument of fraud. It was in fact an order for the payment of money within the 2 G. 2, although it did not strictly pursue the form prescribed by the stat. 17 G. 2. *Decision:* To bring the case within the statute, the order must be such as on the face of it imports to be made by a person who has a disposing power over the funds. In this case, the party looking at the act, must have known that the order was not made by one who had a disposing power over the funds in his hands. Mr. Taylor, as an individual, had no right to make such an order, and the treasurer had no right to consider it as an order which he was bound to obey. Mr. Taylor, in his character of a justice of the peace, had no authority to make such an order; if he had any it was derived from the statute, but he had no power to make such an order as this, and if such a one had been made, the treasurer ought not to have obeyed it. Rex *v.* Rushworth, 1 Starkie, 396; cor. Bayley, J. 56 G. 3.

1326. So, a fabrication, to fall within that provision of the 5th of Eliz. which relates to deeds, must purport to be under seal. Rex *v.* Newton, 3 Keble, 356. 367. 388.

Infra, pl. 1327.

1327. Judgment, therefore, on an indictment upon that statute, charging the prisoner with forging "quodam script.," not adding "sigillat.," was reversed. Rex *v.* Newton, 3 Keble, 356. 367. 388.

Action upon the 5 Eliz. c. 14. on forgery of a deed, whereby Reebottom was disturbed of his freehold. *Objected*, that this was of *scriptum indentat.* not said *sigillat.* which as 3 Inst. 169. is ill. *Decision:* As to the *sigillat.* that shall be now intended, *script. indent.* importing sealing: but as Crompt. 258. in evidence it must appear to be sealed, and if it were not, it must be found specially, as this last assize there was special verdict before Hale, C. J. which is now depending in B. R. And so in C. B. the declaration on all bonds is *per script. obligatorium*, not saying *sigillat.* At another day, on producing several precedents of Townsend in Mich. 16 Car. 2; Trin. 17 Eliz. Rot. 98, of forgeries of deeds indented of freehold, not said *sigillata*, and three more since the statute 5 Eliz. being *contra formam statuti*, in Watson's case, 18 June, 14 Car. 2, at Durham, forgery of indenture, supposed the deed of Dickins, not said *sigillat.* Mich. 18 Car. 2, issue being never tried, and being *fact.* it implies sealing; but these precedents being late, and not appearing on exceptions taken, the court inclined to Lord Coke's opinion, 3 Inst. 114, that this ought not only to be given in evidence, but alleged. On another day, the court conceived on 3 Inst. 114, that the indictment should say *sigillat.* And that de quodam *script.* is not sufficient: judgment reversed, nisi. Rex *v.* Newton, 3 Keb. 356. 367. 388; B. R. Mich. 26 Car. 2.

1328. For in each of these cases the prisoner was accused of forging an instrument of a certain legal denomination, a bill of exchange, a receipt for money, a will, a bank-note, a promissory note for payment of money, an order for money, a deed; but which it was not.

1329. A learned writer has suggested, that the case of the bank-note (supra, pl. 1323,) did not "altogether turn upon the manner of laying the offence in the indictment; for the same objection did not apply to the 6th count, which was framed upon the statutes 2 & 31 G. 2." that is, charged the prisoner with forging a promissory note for payment of money. East P. C. c. 19. s. 11 (*e*.)

(*e*) The paragraph in which the quotation occurs is as follows, "This case does not appear to have turned altogether upon the manner of laying the offence in the indictment: for the same objection did not apply to the sixth count, which was framed upon the statutes 2 & 31 G. 2. An objection arose out of the very nature of the thing itself forged; namely, that it was no promissory or other note at all of the Bank or otherwise. In order to constitute forgery, there must be some resemblance to the thing supposed to be forged, though it need not be an exact one. The forged instrument must at least have the principal constituent parts of that which it is intended to represent, which was wanting in the present case; and therefore the thing itself was no resemblance of that which it was charged to be. Wherefore, in cases where any difficulty occurs in drawing the indictment upon the stat. 15 G. 2. for defect of similitude between the forgery and the common form of bank-notes, it seems best to frame the charge upon the other more general statute of the 2 G. 2. c. 25. and its auxiliary statutes, as was done in Elliott's case, and also in the sixth count of Jones's case above referred to. It is, however, essential to the charge

1330. But with submission, it should seem, and for after reasons it is of great importance to establish, that the case altogether turned upon the mode of charging the offence, and that the court gave no opinion against an indictment (at common law, then, and now under the Bank acts) in another form; as the following statement may serve to prove.

1331. The counts upon the Bank act charged, that the fabrication purported to be a bank-note, that is, carried upon the face of it all the legal requisites of such a contract; which the court decided that it did not. The count upon the 2 & 31 G. 2. charged, that the fabrication purported to be a promissory note for payment of money, that is, carried upon the face of it all the legal requisites of such a contract; which the prosecution, by abandoning this count, agreed that it did not. The case, therefore, in each branch, seems to have proceeded upon the self-same principle.

1332. And the reason why it is important to establish, that the case "altogether turned upon the manner of laying the offence in the indictment," (and which mode, the prosecution being upon the statute, was, as the Bank act then stood, unavoidable), is, that when, under a proper form of indictment, the question shall arise, whether the deceptive powers of a note, similar to, or resembling this particular note, are complete, it will be as unfettered as before the decision.

1333. For there seems to be no reason why these fabrications (assuming their deceptive powers to have been complete) should not all have been indictable at common law, as writings which, though incapable, through the agency of the law, of accomplishing their respective frauds, were capable, through the influence which they might obtain over the minds of those to whom they were offered, of attaining them.

1334. Nor any reason why the fabricated bank-note (supposing its deceptive powers complete) should not now be indictable under the present Bank acts: since they denounce resemblances, and not fac-similes only; whereas the 15 G. 2, upon which the prisoner was indicted, is confined to the latter.

A difference of opinion stated and examined.

1335. In these, and similar cases, it is observable, that the mischief to society is usually as great where the writing is deficient in legal formalities, as where it carries in its appearance all the requisites of genuineness; the difference being this and no more, the difference in the media through which mischief is accomplished.

1336. A deed, for example, professing to charge land, though this its mischievous purpose may not, from the want of forms, be attainable through the agency of the law, yet another purpose equally mischievous, that of raising money by pledging it, may be attainable through its influence over others.

1337. And this other purpose, indeed, even where the requisite forms are observed, is commonly that which the forger has in view; as being attainable with greater facility.

1338. The bond, for example, forged by Dr. Dodd, was not intended to defraud Lord Chesterfield, the supposed obligor; but the money-lenders, with whom it was pledged.

1339. And should it be objected, that as every one is acquainted with the law, the instrument, unless valid, cannot deceive, and therefore cannot possess that influence over others by means of which only its end can be attained; it may be replied, that this doctrine of legal omniscience is a fiction, invented to secure the ends of justice and convenience in particular cases, and having merely a legal existence, must be limited in its application by the principle which gave it birth; still less should it serve as an impunity for guilt.

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charge of forgery in every such case, that the note should at least purport to be drawn in some other name than that of the party himself charged with the crime, which did not so appear in this instance." East P. C. c. 19. s. 11.

1340. Struck, therefore, as every one must be, with this view of things (that the mischief is the same whether the writing is formal or informal), and desirous of putting down an intolerable grievance, the authorities have sometimes appeared to maintain, that a writing wearing such a resemblance to genuine instruments of the class denounced by the statutes, as to render it likely to impose upon the world in general, shall, though informal, be within their provisions.

1341. Hence, upon one occasion the twelve judges observed, that "in forgery there need not be an exact resemblance; it is sufficient that the instrument is primâ facie fitted to pass for a true one." Rex *v.* Elliot, East P. C. c. 19. s. 44; Leach, 175; 2 N. R. 93. n.

Supra, pl. 1299.

1342. Though, as the occasion of this remark was a prosecution on the Bank acts, which (downwards from the 13 G. 3.) are aimed at resemblances as well as fac-similes, might not their lordships have been speaking in relation to those acts.

1343. A question which applies to the decision of a learned judge (and as a single authority there cannot be a higher) that a bank-note, wanting the necessary forms appropriated by the Bank, but calculated to impose upon the world in general, is a forgery within the Bank acts. Rex *v.* Hoost, cor. Le Blanc, J. East P. C. c. 19. s. 44.

Indictment for forging bank-notes. *Case:* A person from the Bank, by whom the forgery was proved, said that he could not have been imposed upon by the counterfeits, the difference between those and the true ones being to him so apparent in several particulars pointed out by him. But it appeared that others had been deceived at first by them, though the counterfeits were very ill executed. *Held*, that the fabrication was within the act. That in order to constitute forgery, it is not necessary there should be a perfect resemblance between the false instrument and that which is intended to be imitated: if they be so far alike, that the deception is calculated to impose upon persons in general, it is sufficient; though it would not impose on persons having particular experience in such matters. Rex *v.* Hoost, East P. C. c. 19. s. 44; cor. Le Blanc, J. at Exeter Spring Ass. 1802.

1344. And it is further observable upon both these cases, that as no peculiar form, beyond the ordinary modes of obligation, is, by law, appropriated to Bank of England notes; if genuine notes, similar to those in question, would have obliged the Bank, they were bank-notes in their form and appearance.

1345. Whence a general rule—that notwithstanding a set form has, by the will of the maker, been appropriated to his securities, a fabrication, to be a forgery, need not copy the pattern; it is sufficient, if, were it genuine, it would bind the maker.

1346. Nor would its operation as an engine of fraud be touched by the variation: since, for any thing that appears, the maker (as he has the power of doing) may have changed the form of his securities.

1347. So upon another occasion, the twelve judges observed, that "an exact resemblance or fac-simile is not required to constitute the crime of forgery; for if there be a sufficient resemblance to shew that a false making was intended, and that the false stamp (for that was the present subject) is so made as to have an aptitude to deceive, that is sufficient." Rex *v.* Collicott, Leach, 1048: 4 Taunt. 300.

Supra, pl. 1302.

1348. Though as the occasion of this remark was a prosecution on a stamp act, punishing the forgery of resemblances as well as fac-similes, might not their lordships have been speaking in relation to that act.

1349. And though eleven of the twelve judges (for one learned judge dissented) may seem to have considered, that where the provisions of a statute, in a certain situation of things, prescribe a peculiar form, a fabrication, deviating from the prescribed form, but otherwise legal, is a forgery; in that, where a prisoner was convicted of forging a midshipman's power of attorney, for which a set form is prescribed by the 45th of Geo. 3. c. 72. s. 92. but from which the

fabrication deviated, the conviction was maintained. Rex *v.* Lyon, Russell, 1602. Graham, B. diss.

The prisoner had been convicted upon an indictment which contained counts charging him with having forged a power of attorney of one J. O. a mishipman in his majesty's service, to receive certain prize-money then due, and also counts on the 2 G. 2. c. 25. charging him generally with the forgery of a deed. By the 45 G. 3. c. 72. s. 92. a form is prescribed for a negotiable order, by a petty officer, on the agent or treasurer of Greenwich-hospital, with a certificate subjoined, &c.; and the principal point made on behalf of the prisoner was, whether this prescribed form of an order invalidated every power for the purpose of receiving prize-money, couched in other terms and in a different form than were contained in that statute. It is understood, that the point being submitted to the consideration of the twelve judges, all of them (with the exception of Graham, B. who dissented) thought that the forging a power of attorney, though not in the prescribed form, was a capital offence, and that the conviction was right: and that most of the judges thought that the power of attorney in question was a deed within the 2 G. 2. c. 25. Rex *v.* Lyon, Russell, 1602; O.B. 1813.

1350. Yet the grounds of their decision might have been these—that the statute, by enjoining a certain form, did not invalidate forms otherwise legal.

1351. And, indeed, the report states, that "the principal point made on behalf of the prisoner was, that this prescribed form of an order invalidated every power for the purpose of receiving prize-money, couched in other terms and in a different form than were contained in that statute." Russell, 1602.

1352. And though the case detailed in the note below, has been classed as bearing upon the general question, yet the report does not seem to be sufficiently distinct to enable one to form an opinion (*f*).

1353. And though another decision is usually cited to shew, that a fabrication need not wear the essentials of genuineness; yet its principle seems to have been this, that, by the 5th of Elizabeth, upon which the prisoner was indicted, the intent, not tendency, was the only essential. Rex *v.* Crooke, Str. 901; East P. C. c. 2. s. 25.

Supra, pl. 1314.

1354. However, since the statute has reference to "the party grieved," this circumstance may oppose that doctrine.

The rule re-asserted—that writings legally and apparently defective, are not indictable in their professed character.

1355. Upon the whole, then, taking into view the reason of the thing, and the numerous decisions which militate against the doctrine, it may be questionable whether the rule is—that where the deceptive powers of a fabrication, professing to be of a certain legal denomination, are complete, it is indictable in that character, though wanting in legal formalities.

1356. The inconvenience, however, which results from the opposite rule, cannot too soon be redressed by the legislature.

1357. It seems, that where a statute legalizes a writing under certain circumstances only, but without prescribing any set form, the circumstances need not appear upon the face of it: since their existence will be presumed. Rex *v.* Froud, 1 Br. & B. 300; 7 Price, 609; 3 B. Moore, 645 (1). Rex *v.* Bradby, 1 Br. & B. 306; 3 B. Moore, 653 (2).

(1) Infra, pl. 1379. (2) Infra, pl.

1358. A counterfeit, therefore, though silent as to those circumstances, is within the act. Rex *v.* Froud, 1 Br. & B. 300; 7 Price, 609; 3 B. Moore, 645 (1). Rex *v.* Bradby, 1 Br. & B. 306; 3 B. Moore, 653 (2).

(1) Infra, pl. 1379. (2) Infra, pl.

(*f*) The report is as follows, "In a case where it was proved that the prisoner took a bill of exchange, which he was indicted for forging and uttering, knowing, &c. to a bankers, in order to get it discounted, and, upon receiving the discount, indorsed it there, but not in his own name; and it appeared also, that though there was the indorsement of another name upon the bill besides that which the prisoner indorsed, yet there was no indorsement upon it of the names or firm of the drawers who were also the payees. It was objected, on behalf of the prisoner, that as there was nothing upon the bill purporting to be an indorsement of the drawers, it could not pass as a bill of exchange, nor was capable of defrauding the persons whose names were forged. But the learned judge who tried the prisoner over-ruled the objection, and the prisoner was convicted: and, upon the point being afterwards submitted to the consideration of the twelve judges, they were of opinion that the conviction was right." Rex *v.* Wicks, Russell, 1451; cor. Wood, B. Gloucester Spring Ass. 1809.

SECTION IX.

The Fabrication, as well at Common Law as under the Statutes, considered in relation to Sufficiency; Secondly, as depending upon Extrinsic Circumstances.

NON-APPARENT INSUFFICIENCY

1359. AND thus much for the insufficiency which arises from intrinsic circumstances. Secondly, of that arising from circumstances extrinsic or collateral.

1360. If A. forges a bond in the name of B., the frauds which the forger may purpose to accomplish are two. His intention may be, 1° either to sue B. on the bond, and thereby force him to pay the contents; 2° or to carry the bond to a money-lender, and pledging it as a security, thereby defraud him of the sum which he may lend thereon.

1361. Now to accomplish the first of these frauds, it is requisite that certain facts or extrinsic circumstances should exist; the fact, for example, that the supposed obligor be some real existing person, and not imaginary only: since, if imaginary, the writing cannot be enforced by suit at law, and the obligor therefore cannot be defrauded. Hence if B. is only an imaginary person, the writing is not sufficient to accomplish the fraudulent purpose, and in strict doctrine, therefore, is not, *in this relation or point of view*, a forgery.

1362. But to accomplish the fraud against the money-lender, the only thing requisite is, that its appearance be such as to induce him to believe it an available instrument. Hence though B. is an imaginary person only, yet if the writing be calculated to impose upon the lender's mind, it is sufficient to accomplish the fraudulent purpose, and, *in this relation or point of view*, is therefore a forgery.

1363. The consequence is, that where the existence of such an instrument as a fabrication professes to be, is, from extrinsic circumstances, physically impossible; unless proof can be given of an intention to defraud some third person, by making him believe that it is an available security, it is not a forgery.

1364. But this consequence is the only one now admitted; so that if the requisite proof can be given, the forger may be prosecuted.

1365. Formerly, however, even this was disputed; the doubt being whether that could be a forgery of which no archetype or original could possibly exist.

1366. Accordingly, Sir Edward Coke, in speaking of forgery, says, it "is properly taken when the act is done in the name of another person." 3 Inst. 169.

Supra, Introduction, in notis.

1367. Which expression has been interpreted by a great authority (an interpretation acquiesced in by his court) to imply some person really existing. Sir Martin Wright, in Rex *v.* Lewis, Fost. 116.

Infra, pl. 1376.

1368. And in deference thereto, the same authority considered at the first, that "in the case of a forged deed or instrument, it must purport to be the deed of some person really existing, or that hath existed, whose deed by possibility might have been forged." Sir Martin Wright, in Rex *v.* Lewis, Fost. 116.

Infra, pl. 1376.

1369. Hence, too, on a prosecution for forging a surrender of land, the doubt was started, whether the fabrication was, in that character, a forgery; in that the supposed surrenderor's ownership in the land in question was not averred, and, therefore, must be taken not to exist. Rex *v.* Goate, Ld. Raym. 1737.

Supra, pl. 1286.

1370. The rule, however, as stated before is finally settled,—that as well under the statutes, as at common law, a writing shall be a forgery, in spite of the non-existence of facts essential to its validity: since the fictitious character which it wears upon the face of it is not influenced by matter dehors, nor its operation, therefore, as an engine of fraud (the only thing regarded) thereby affected. Rex *v.* Lewis, Fost. 116 (1). Anon. Ibid. (2). Rex *v.* Sterling, Leach, 99; East P. C. c. 19. s. 43 (3); (confirmed in Rex *v.* Coogan, East P. C. c. 19. s. 43). Rex *v.* Coogan, Leach, 449; East P. C. c. 19. s. 43 (4).

(1) Infra, pl. 1376. (2) Infra, pl. 1376 in notis. (3) Infra, pl. 1371. (4) Infra, pl. 1371.

Forgery in the name of a non-existing character.

1371. The circumstance, therefore, that the supposed testator is living, will not render the fabrication of a will less a forgery. Rex *v.* Sterling, Leach, 99; East P. C. c. 19. s. 43 (1). Rex *v.* Coogan, Leach, 449; East P. C. c. 19. s. 43 (2).

(1) Indictment for forging the last will and testament of Elizabeth Shuter, with intent to defraud the South Sea Company. *Case:* Shuter herself was produced to prove that the signature to the will was not her handwriting. *Objected:* Whether, as the supposed testatrix was living, the prisoner was legally convicted of having forged her last will and testament; there being no such instrument as a last will and testament, in contemplation of law, until after the death of the person making it. *Held*, by the judges, upon the authority of Lewis's case, that an instrument may be the subject of forgery, although in fact it should appear impossible for such an instrument as the instrument forged to exist, provided the instrument purports on the face of it to be good and valid as to the purposes for which it was intended to be made. Rex *v.* Sterling, Leach, 99; East P. C. c. 19. s. 43; cor. Nares, J., Ashhurst, J., Glynn, R.; O. B. Sept. 1773.

(2) Indictment on the 2 G. 2. c. 25. for publishing a false, forged and counterfeited will and testament, purporting to be the last will and testament of James Gibson. *Case:* Gibson, the supposed testator, was produced and sworn at the trial as a crown witness. *Question:* Whether, as the prisoner was charged with publishing as true a false will and testament of one James Gibson, and there being no such instrument, in contemplation of law, as the will and testament of a man who is living (for until the death of a testator his will cannot exist in contemplation of law), the case is within the 2 G. 2. c. 25; for there cannot be a forgery of a thing which neither does nor can exist at the time the forgery is alleged to have been committed. *Held*, by the twelve judges, that the case is within the act. The instrument which the law takes notice of under the name of a will, is in a man's own power during his life, and therefore no instrument or writing is considered as a last will until the testator is dead; but it exists as a will during his life-time, although it do not take effect until after his death. If a forged will, *purporting* on the face of it to be a last will and testament, be uttered and published as a true last will and testament, under circumstances manifesting an intention to defraud, it is equally within the meaning of the act of parliament, whether the supposed testator be in fact alive or dead; for the objection is only applicable to the effect which a will has in law, and not to the fact of making it: a contrary doctrine would operate as a repeal of the law; for if the act of making the will were not forgery at the time, a publication afterwards would not make it so. This opinion is founded on the authority of several cases. Sir Edward Coke, in his third Institute, says, that if one who writeth the will of a sick person inserts therein a clause concerning the devise of lands falsely, without any warrant or direction of the devisor, albeit he did not forge or falsely make the whole will, yet he is punishable by the statute 5 Eliz. c. 14; the words of which are the same to this purpose as those of the 2 G. 2. c. 25. In 1753, Murphy was convicted and executed for forging a seaman's will, though the man was alive (10 St. Tr. 183). So likewise was Sterling, in 1773, for forging a will in the name of his laundress (Leach, 99; East P. C. c. 19. s. 43.) In 1754, Anne Lewis was indicted upon this statute for uttering and publishing as true a forged power of attorney from Elizabeth Tingle, administratrix of her father Richard Tingle, deceased, a marine on board the Hector: it appeared that Richard Tingle had died childless; and a doubt was conceived, whether, since there never was such a person as Elizabeth the daughter of Richard Tingle, the offence was forgery within the meaning of the statute; and eleven of the judges were of opinion, that as the instrument forged wore the appearance of a power of attorney, it was within the act, notwithstanding the deed which she had published was impossible to be true. There is also another case, the King *v.* Bolland (Leach, 83), indicted for forging the indorsement on a promissory note in the name of "James Banks," whom he represented as a wine and brandy merchant, living in Rathbone-place; but in fact no such person ever existed; and, upon the opinion of the judges being taken, Bolland was executed. Rex *v.* Coogan, Leach, 449; East P. C. c. 19. s. 43; cor. Wilson, J. and Adair, Recorder, O. B. July 1787.

1372. And, as another reason for the last position, notwithstanding a will can have no legal operation during the testator's life-time, it may still, in contemplation of law, have an existence; and an original, therefore, may exist of which forgery may be committed. Rex *v.* Coogan, Leach, 449; East P. C. c. 19. s. 43.

Supra, pl. 1371.

1373. So likewise to fabricate a protection from a parliament man, in the name of one who is not a member, is nevertheless a forgery. Rex *v.* Deakins, 1 Sid. 142.

D. fuit indict. pur counterfeiting un protection in le nosme de Sr. Anthony Ashley Cooper, que fuit adonque un del privy councel le roy, mes nient noble; le quel protection le dit D. vend pur 6 *l.* Et il fuit trove culp. de cest counterfeiting et extortion; et apres fuit move que ceo fuit nul offence, intant que le protection fuit merement voyd, car coment la fuit adonque un parliament uncore Sr. A. ne fuit de ceo, et il fuit fait noble puis. Mes nient obstant ceo le court deeme ceo un grand offence, intant que per tiels protections mults sont impoverish et disable de recover lour just debts. Le Roy *v.* Deakins, 1 Sid. 142; B. R. East. 15 Car. 2.

1374. So, a surrender from one who is not owner of the land. Rex *v.* Goate, Ld. Raym. 737.

Supra, pl. 1286.

1375. So where an instrument is made in an assumed name, it is immaterial to the crime of forgery whether there is any person answering to that name. Rex *v.* Lewis, Fost. 116 (1). Anon. Ibid. (2). Rex *v.* Bolland, Leach, 83 (3). Rex *v.* Wilks, East P. C. c. 19. s. 46 (4). Rex *v.* Dunn, Leach, 57; East P. C. c. 19. s. 49 (5). Or non-existing person.

(1) Infra, pl. 1376. (2) Infra, pl. 1376 in notis. (3) Infra, pl. 1378. (4) Infra, pl. 1377. (5) Infra, pl.

1376. Fabricating a deed, therefore, in the character of a daughter, administratrix to her father, B. who, it appeared, died childless, is a forgery. Rex *v.* Lewis, Fost. 116.

Indictment on the 2 G. 2. c. 25. for publishing a forged deed, purporting to be a power of attorney from Elizabeth Tingle, administratrix of her father Richard Tingle, deceased, late a marine belonging to his majesty's ship the Hector, to Frederick Predham of Barnard's-Inn, gentleman; impowering the said Predham to demand and receive of the commissioners of his majesty's navy, or whom else it may concern, all prize-money due unto her; with intent to defraud Edmund Mason. *Case:* The prisoner was convicted. But it appearing that Richard Tingle, to whom administration had been taken in the name of Elizabeth, his supposed daughter, died childless and unmarried, a doubt was conceived, whether, since there never was such person in rerum naturâ as Elizabeth the daughter of Richard, the counterfeiting a letter of attorney in that name and under that description could be a forgery within the statute. And upon this doubt judgment was respited. This doubt arose from what Chief Justice Coke saith, speaking of forgery, in his 3 Inst. 169: "This," saith he, "is properly taken when the act is done *in the name of another person*;" from whence it was inferred, that there never having been such person as Elizabeth Tingle, the daughter of Richard, the counterfeiting a deed purporting to be executed by such person, cannot come within this definition of the offence; it is not an act done *in the name of another person.* It was admitted by the learned judge (Sir Martin Wright) who raised this doubt, that an alteration made in a deed really executed, in order to give it an operation different from the meaning of parties, if it be done malâ fide, and with an intention to defraud, will come within the legal notion of forgery; as antedating a deed of conveyance in order to over-reach a former deed; an alteration in the name and description of the premises conveyed, or in the sum of money secured by bond or other deed, or in the estate intended to pass; these alterations and others of the like nature, made to the prejudice of a third person, and with a fraudulent intention, come within the act on which the present prosecution is founded; in like manner as they have been holden to be within that of the 5th of Eliz. For in these instances there was a *false making*, which is one of the words descriptive of the offence used in both the statutes, that is, the true deed was falsified; but still, said he, there was a real deed on which the forgery did operate. So in the case of a deed or instrument totally forged, it was said by the same learned judge, that it must purport to be the deed of some person really existing, or that hath existed, whose deed by possibility might have been forged; otherwise it cannot be, according to Coke's description of the offence, "an act done *in the name of another person.*" *Decision:* But at a meeting of the judges a few days after Trinity term, 1754, at Lord Chief Justice Ryder's chambers, eleven judges being present, ten of them were very clearly of opinion, that the prisoner's case is within the letter and meaning of the act; and in that opinion Chief Justice Willes, who was absent, signified his concurrence by letter communicated at that meeting. In support of this opinion it was argued, that Lord Coke's description of the offence, on which the doubt is grounded, is apparently too narrow. It expresseth the most obvious meaning of the word, and taketh in that species of forgery which is most commonly practised; but there are other species of forgery which will not come within the letter of that description; the case of antedating, and the other cases which have been mentioned, and are admitted to come within the legal notion of forgery, are of that kind. The offence the prisoner standeth charged with is, the publishing as true a certain false, forged and counterfeit deed, purporting to be a power of attorney from Elizabeth Tingle, with an intent to defraud, knowing it to be false. This is her offence, and it is one of the offences described in the act. For it is to be observed, that the act in describing the offence doth not use the words, *the deed of any person*, or *the deed of another*, or any words of the like import, but any false deed. Is the deed in question then a false deed, or is it not? Undoubtedly it is. Was it published with an intention to defraud? It certainly was. This being so, it would sound very harsh to say, that the prisoner's case is not brought within the letter and meaning of the act, because no such person ever existed as Elizabeth Tingle the daughter of Richard; in other words, because she, with an intention to defraud

published a deed impossible to be true. It may be said, cui bono; to what purpose will it be to forge deeds or other instruments in the names of persons who never existed. The naked state of the present case answereth that question. Letters of administration to Richard Tingle had been taken out in the name of Elizabeth *his supposed daughter*; by these letters, an existence in shew and appearance is given to Elizabeth the daughter; and this was effected by a gross imposition on the court, and by downright perjury; so that here is a title in shew and appearance established by fraud and perjury in a fictitious person; this title is transferred in show and appearance by the deed stated in the case; and all this is done with intent to defraud an innocent person. Which clearly bringeth the prisoner's case within the letter and mischief of the act. At the next sessions at the Old Bailey (July 17th, 1754,) the prisoner had judgment of death. Rex *v.* Lewis, Fost. 116; O. B. 1754 (*a*).

1377. So, all essentials concurring, a bill of exchange drawn in fictitious names. Rex *v.* Wilks, East P. C. c. 19. s. 46.

In the case of George Wilks, then a prisoner at Launceston, which was stated to the judges by Mr. Justice Gould, they were all of opinion, that a bill of exchange drawn in fictitious names, when there are no such persons existing as the bill imports, is a forged bill within the 2 G. 2. Mr. Justice Yates accordingly tried the prisoner at Bodmin, in 1767, but the jury acquitted him. Rex *v.* Wilks, East P. C. c. 19. s. 46; cor. Yates, J. at Bodmin, 1767.

1378. So an indorsement in an assumed name. Rex *v.* Bolland, Leach, 83.

Indictment for forging an indorsement in the name of James Banks, on a promissory note drawn by Thomas Bradshaw, and indorsed by Samuel Pritchard, setting it out, with intent to defraud F. L. Cardeneaux. *Case:* The drawer and payee were real persons, and the prisoner, into whose hands the note came, indorsed it with his own name, and attempted to negotiate it in that state to one Jesson, with whom he had had money transactions. Jesson said that he knew Bradshaw, and considered him as a good man, but that he should not be able to negotiate the note with the prisoner's indorsement on it; whereupon the prisoner said that he could take his name off, and immediately another person in company began erasing the name. After he had scratched off all but the initial letter B. the prisoner said, "don't scratch it all out; it may disfigure or cancel the note; I will think of some other name that begins with a B.;" and immediately made the name Banks. Jesson then took the note, and saying that he should be asked who James Banks was, the prisoner said, he was a publican of Rathbone-place. Jesson soon afterwards applied to Cardeneax to discount the note, and obtained from him some money on the credit of it; and being pressed by the prisoner shortly after for the amount of the note, he took him to Cardeneaux and introduced him as the owner of the note. Cardeneaux inquired who Banks was, and the prisoner informed him, that he was a man of property who dealt largely in wines and spirits, and lived in Rathbone-place; on which Cardeneaux gave him the value. Cardeneaux never desired the prisoner to indorse the bill, because Jesson had before told him, that it was better that his name should not appear on it, as he had been a sheriff's officer, and the note would not pass properly with his name on it. Bradshaw and Pritchard having become bankrupts before the bill was payable, Cardeneaux applied to the prisoner, who denied having discounted any bill with him, and said that his name was James Bolland; that he had never seen Cardeneaux before in his life, and that he had no bill with his indorsement on it; and when Cardeneaux insinuated that he was acquainted with his having altered his name, he disregarded it. After the prisoner was taken up, some person paid the amount of the bill to Cardeneaux in the name of James Banks; but no such person as James Banks of Rathbone-place appeared to exist. *Objected:* Whether, under all the circumstances, the prisoner had been guilty of forgery within the 2 G. 2. c. 25; the doubt being, whether forgery can be committed in the name of a person who never had existence. *Decision:* The opinion of the twelve judges, to whom the case was referred, was never publicly communicated; but the prisoner was executed. Rex *v.* Bolland, Leach, 83; cor. Eyre, Rec. and Nares, J.; O. B. Feb. 1772.

1379. So where to the legality of an instrument the maker must be invested with a particular character, a counterfeit in the name of a non-existing person, and therefore in the name of one who could not be invested with that character, is nevertheless a forgery: since the circumstance which invalidates the instrument is extrinsic, and its deceptive powers therefore are in appearance complete. Rex *v.* Froud, 1 Br. & B. 300; 7 Price, 609; 3 B. Moore, 645 (1). Vide etiam Rex *v.* Lewis, Fost. 116 (2).

(1) Indictment for forging a certain warrant for payment of money, sealed with a certain seal, purporting to be given under the hand and seal of John Pernown, and purporting that the said John Pernown was one of his majesty's justices of the peace acting in and for the county of Cornwall, the tenor of which was as follows:—"Cornwall, to wit: To the treasurer of the county rates. Whereas it appeareth to me, one of his majesty's justices of the peace acting in and for the said county, that on the 1st day of March now last past, a dead human body was cast on shore in the parish of Zenar, in the said county; and whereas John Cose of the said parish hath made oath before me, that he hath laid out the sum of 3 *l.* 5 *s.* in and about the removal and burying of the said corpse, and which I allow to be the reasonable

(*a*) Mr. Justice Foster subjoins—*Note:* After respiting judgment in the case of Anne Lewis, and before the judges could meet by reason of the late Chief Justice Lee's frequent indisposition and avocations, two other cases of the like kind, and depending on the same doubt, came before the court at the Old Bailey, and judgment was respited in them. But judgment of death was afterwards given in conformity to the opinion in Anne Lewis's case. Fost. 118, 119.

charges thereof; I do, therefore, hereby authorize and require you to pay the said sum of 3*l.* 5*s.* out of the monies in your hands, to the said John Cose, or his order. Given under my hand and seal, this 21st day of March, 1818. John Pernown (*b*)." *Case:* It appeared, at the trial, that there was no such magistrate as John Pernown, no such parish officer as John Cose in the parish of Zenar, and that the prisoner had buried no bodies; but having presented to the person who acted as treasurer for the county the paper above described, and several others similar to it, he succeeded in obtaining a large sum of money as a compensation for the expense of these pretended burials. *Objected*, that the instrument in question was not a forgery, because no claim had been made by the prisoner as a parish officer, and the statute did not authorize payment to be made to any other person; and because there was no such magistrate as John Pernown. The instrument purports to be an order of a magistrate, on the treasurer of the county rates, made under the authority of the 6th section of the 48th G. 3. c. 75. The first section of the statute enables the churchwarden or churchwardens, overseer or overseers of the poor, decently to bury such dead human bodies as may be found cast on shore, so that the expenses of such burial do not exceed the sum which, at the time, is allowed in such parish for the burial of any person buried at the expense of the parish. This clause affords a reason for the legislature's having invested parish officers with the duty of burying such dead human bodies, and the office of disbursing the necessary expenses incidental to that duty. They are naturally best acquainted with the expenses attendant on the burial of the parish poor; they are the persons to whom notice of any dead human bodies being cast on shore is directed to be given, and by their situation and office they have the best means of scrutinizing and controlling the expenditure of the parish funds, and the strongest motives to do so. The fifth section, therefore, pursuing the same policy, provides that all the expenses of the execution of the act shall be paid by the churchwardens and overseers, &c.; and then the sixth section enacts, that a magistrate shall order the treasurer of the county to pay to such parish officer or officers the expenses incurred in or about the execution of the act (after the same shall have been duly verified on oath) as to the magistrate shall seem reasonable and necessary. The treasurer is then ordered to pay the sum allowed in the certificate to the person empowered to receive the same. The justice, it is clear, has no authority to order payment, except according to the provisions of the act. The order in question is not an order within the act, but a mere nullity. The legislature has imposed particular duties on particular persons, and those persons are selected with a salutary policy. Those persons are the churchwardens, overseers, &c.; but the order in question does not state that the party to whom the treasurer is directed to pay the money, is a parish officer, or that such parish officer has duly verified the account on oath. The magistrate has no authority to direct the payment of one shilling, except to the several parish officers named in the act, such parish officers first having verified their claim on oath. The language of the clause which confers the authority on the justice is clear and explicit on this point. Now the prisoner was not a parish officer, nor does the order state him to be such, and the policy and just precautions of the legislature would be defeated, if the justice could make an order on the treasurer for payment of money to any indifferent individual. The salutary control over the expenditure of the parish fund would be contravened by such a construction of the act. If the order in question be not an order within the act, it is a nullity; for the justice has no power to give an order for payment of money, other than the power which he derives from the provisions of the act. The signature to the order was not the signature of a magistrate; but if it had been the signature of a magistrate, and if the order had been genuine, the requisites of the act not having been complied with, the order was not compulsory on the treasurer. It was in the treasurer's power to treat it as a nullity; indeed it was his duty to treat it as such. If it be urged that the order must be deemed a forgery, because the treasurer was imposed on, and had paid the sum mentioned in such order, that would be to argue, that the erroneous construction of the statute, or disobedience to its language by the treasurer of the county rates, would give validity to an instrument otherwise defective. It would be absurd to suppose, that the treasurer could be indicted for disobedience of such an order. In Rex *v.* Moffat, East P. C. 954,) it was held, that a bill of exchange for less than 5*l.*, such bill not being framed in compliance with the directions of the 17 G. 3, was a mere nullity, and the forgery of an acceptance to such bill no offence within the statute. Wall's case (East P. C. 953,) was decided on the same principle. In the King *v.* Russell, (Leach, 8,) the instrument was held to be no receipt, and yet that instrument more nearly resembled a receipt than this instrument can be said to resemble a valid and compulsory order on the treasurer. So in Rushworth's case the order was considered a nullity. [Bayley, J. There were two indictments in that case; one for forgery, another for obtaining money on false pretences. I directed an acquittal on the first, and the opinion of the judges to be taken on the second. In their opinion the indictment was bad. The prisoner was indicted for addressing an order, under 17 G. 2. c. 5. s. 5. to the treasurer of the county. I thought the indictment insufficient, because the order was addressed to the treasurer instead of the high constable, and was not under seal.—Holroyd, J. In that statute there is a penalty of 50*l.* for the forgery.] That is a mistake, which appears to have been made in the case of Rex *v.* Graham (East P. C. 945); the learned reporter says, it was objected that the 18th section of 17 G. 2. c. 5. expressly subjects the party forging an order of a justice upon the high constable, for the payment of 10*s.* for the apprehension of a vagrant, to a penalty of 50*l.*; but on carefully looking into the act, it will be perceived that the penalty of 50*l.* is imposed, by the 18th section, on persons who forge certain certificates, receipts and notes mentioned in the act, and that the clause has no reference whatever to such order for payment of money. The forgery of such an order was previously an offence of a more penal nature. In Rex *v.* Rushworth (1 Starkie, 396,) it was held, that the forging of an order for the purpose of obtaining a reward for the apprehension of a vagrant, is not a forgery within the statute,

(*b*) The 48 G. 3. c. 75. enacts, that bodies thrown ashore by the sea shall be buried by the parish officers, and that after such burial a magistrate shall give the officers a certificate and order on the treasurer of the county to pay them the reasonable and necessary expenses of the funeral, which the treasurer is by the act ordered to pay.

unless it contain the requisites prescribed by the 17 G. 2. c. 5. s. 5, although drawn in the same form as such orders have usually been drawn; and what is there said by Mr. Justice Bayley is most material in favour of the prisoner. "If the justice had any power," says the learned judge, "it was derived from the statute; but he had no power to make such an order as this; and if such a one had been made, the treasurer ought not to have obeyed to it." So, in this case, the justice would have had no power to make an order on the treasurer to pay money to any person but a parish officer; he would have disobeyed the act from which he derives his only power, and the instrument would be a nullity, which the treasurer ought not to obey. This case is distinguishable from Rex *v.* Lockett (East P. C. 940); the transaction there was a mere mercantile transaction, and the instrument was one used by all mercantile men; on its face there was no ground of suspicion or mistrust; and, if genuine, it was a valid operative instrument. In the present case the instrument is of a peculiar nature, not negotiable or transferrable as a check, but borrowing its validity or value only by pursuing the provisions of a particular act of parliament; it could not be offered without exciting attention, and on inspection its defect and invalidity are apparent. The case of Rex *v.* Macintosh (East P. C. 492,) turns on the 32 G. 3. c. 34. s. 2; and in Rex *v.* Graham, the order was correct on the face of it, and directed to the proper person. If genuine, it had all the requisites of a good order. The order in the present case is not verified on oath of the proper person, nor is it alleged so to be, and it may perhaps be added, that it does not state that the expenses were reasonable and necessary. [Abbott, C. J. Unless you make out that Cose was not a parish officer, your objections cannot be sustained.] Cose was not only not a parish officer; he is not even stated to be so; on that fact the prisoner mainly relies. *Answer:* If the order assume to be fit for the purpose intended, it falls within the act. In all the cases cited, the order is made a nullity, if the directions of certain statutes be not complied with; but in the present case, the act contains no directions as to the form of the order; no precedent given in a schedule, and the treasurer may pay on any form or order which may be presented to him. If this order purport to be made by a Cornish magistrate, it is sufficient that it is made for expenses in burying a dead body; if a sufficient jurisdiction be shewn on the order, the money is paid rightly, though the person appointed to receive it be not described in the order. The order states, that the dead body was found on the shore, and that Cose buried it. The omission of an allegation that the expense incurred was reasonable *and necessary* cannot vitiate the whole order; and there are several cases in which instruments have been held to be forged, notwithstanding faults apparent upon the face of them. Fitzgerald and Lee's case (East P. C. 953.) Gade's case (Leach, 732.) Admiral Bradby's case, tried (before Dampier, J. according to Brod. & Bingh.; before Burrough, J. according to Moore,) at Winchester, was an indictment for forging a receipt for money, directed by 9 Ann. c. 10. to be paid to persons who bring letters by ship to this country, and deliver them at the port of arrival. The prisoner gave the post-office at Gosport a certificate and receipt for the postage of 400 ship letters, but it did not appear on the certificate or receipt that he was one of the persons appointed by the act to receive such money; namely, master or passenger. In the King *v.* Rushworth (1 Stark. 396,) it did not appear that the person making the order was a magistrate, and the jurisdiction was not questioned. [Abbott, C. J. Where a magistrate is empowered to do an act, it is presumed that he has jurisdiction; but here he had only jurisdiction to order payment to the churchwarden, or other parish officer, and it is not stated in the order that the person who was to receive the money was such officer.] If this order would have been a good voucher, it must be deemed sufficient, and if the treasurer could shew that Cose was a parish officer, it would have been a good voucher. As it does not appear on the face of the order that Cose was not a parish officer, it must be intended that the order was correct, and that the treasurer, when called on, could establish his payment. The principle in favorem vitæ is not applicable in the construction of a statute. *Reply:* The only person whom the treasurer has power to pay is not mentioned in the instrument, and the cases cited are all distinguishable from the case before the court, inasmuch as the instruments, which in those cases were the various subjects of indictment, were perfect instruments. As to the argument for the crown, that by the statute the magistrate, by any writing under his hand, could make the order, it is quite clear that in construction of law the order must be made by a legal instrument, and such as the act authorizes. *Decision:* No judgment was given in this case; but the prisoner was pardoned, on condition of being transported for life. Of the twelve judges who were present at the argument, seven held the prisoner properly convicted; the other five did not think the order, stated in the case, such an order as would support a prosecution for forgery. Rex *v.* Froud, 1 Br. & Bin. 300; 7 Price, 609; 3 B. Moore, 645; cor. Holroyd, J.; Cornwall Spring Ass. 1819.

(*z*) Supra, pl. 1376.

Influence of facts invalidating the writing.

1380. So, it is immaterial to the crime of forgery, that facts (not apparent in the instrument) exist, which, were it valid, would render its operation to accomplish its destined object impracticable: since as forgery consists in impressing a written instrument with a fictitious character, and as whether it wears that character must altogether depend upon its own appearance, its nature cannot be influenced by matter dehors. Rex *v.* Gade, Leach, 732; East P. C. c. 19. s. 9.

Indictment against Gade, charging that William Harrison *was possessed of and entitled to* 50 *l.* interest or share in the consolidated 3 per cent annuities; and that the prisoner forged a transfer of the same. Another count charged the prisoner generally with forging a certain transfer, to wit, a transfer of an interest and share; viz. 50 *l.* interest and share of and in certain annuities transferrable at the Bank of England, commonly called "consolidated 3 per cent annuities," without stating to whom the stock belonged, or reciting the statutes relating thereto. *Case:* The prisoner and Henry Harland being executors of John Howard, who had by his will given 50 *l.* in the 3 per cent consols. to

his grandson William Harrison, on the 11th Jan. 1796, transferred the same into the name of William Harrison; *but the transfer never was accepted by William Harrison.* Afterwards, on the 14 Jan. the prisoner brought his own son with him to the Bank, whom he represented to be William Harrison; and, by the intervention of a broker, the stock was agreed to be sold to William West; and the prisoner's son, in his presence, signed the transfer, which was properly filled up; but as he wrote the name "Harrisson" with a double (ss) it was required of him to bring an affidavit that he was the person described in the books of the Bank by the name of Harrison with a single (s); in consequence of which the broker did not pay over the money he had received from West for the stock, and the transfer was not witnessed; which, according to the printed form of transfers used at the Bank, should be done. It appeared also on the examination of clerks of the Bank, that dividends may be received on stock before it is accepted; but that there are positive orders not to transfer any stock till it has been accepted; which the clerks should see done: but that with the stock-jobbers, transfers are too often made without the stock being first accepted. *Objected*, that as the 33 G. 3. c. 28. requires "that the books shall be kept at the Bank for the entering of all transfers, which shall be conceived in proper words for that purpose, and signed by the parties making such transfers; and that the several persons to whom such transfers shall be made, shall underwrite their acceptance thereof, and no other method of transferring or assigning the said annuities shall be good or available in law," the evidence did not support the indictment; 1° for want of the acceptance of Harrison of the transfer made to him by the executors of Howard; till which time it was contended that the transfer was incomplete, and Harrison was not possessed of the 50 *l.* stock. 2° That till the stock was accepted no transfer at all could be made. 3° That the instrument given in evidence as a transfer in the name of William Harrison was not witnessed; which being, as was contended, a part of the words in which transfers were conceived, the instrument was not available in law, and therefore no transfer: and the want of witnessing was compared to the omissions in the bill of exchange in Moffat's case, (Leach, 431.) *Held*, by the twelve judges, that the objections were untenable. They observed, that on the first and second objections it was contended, that as the stock had not been accepted by William Harrison, he was not legally possessed of it, and that of course he was incapable of transferring it to any other person; but to this objection two answers were given: first, that the stock vested in William Harrison by the mere act of *transferring* it into his name, and that if he had died before he had accepted it, yet it would have gone to his executors as part of his personal estate; secondly, that the nature of this offence would not have been altered, if William Harrison had not had any stock standing in his name, for the transfer forged by the prisoner is complete on the face of it, and imports that there is such a description of stock capable of being transferred; the attempt, indeed, if Harrison had really had no stock, would have been more daring and impudent, but neither the forgery nor the fraud would have been less complete. As to the third objection, viz. that the signing of the entry in the books of the Bank did not constitute a transfer until it was witnessed, the entry and signatures, as stated in the indictment, is a complete *transfer* without such attestation; for that the attestation is no part of the instrument, and is only required, ex abundanti cautelâ, by the direction of the Bank for their own protection. The Bank have ordered that the number of every bank-note shall be put at each end of it, but if the number be put at one end only, it is no doubt a good bank-note, notwithstanding such omission, and the falsely making of a note in such a form would certainly be forgery. The case of Rex *v.* Moffat bears no resemblance to the present case; that was the case of a bill of exchange for a sum under 5 *l.* and upon the face of the paper it appeared to every person who saw it, that it was not a bill of exchange, but was absolutely null and void; but here the transfer on the face of it is complete; and no person who looks at it can collect from it, that if it had been genuine, it would not have been a complete transfer of the stock. Rex *v.* Gade, East P. C. c. 19. s. 9; Leach, 732: cor. Lawrence, J.; O. B. Feb. 1796.

1381. And even where a forged instrument asserts a fact, which, if true, would render it invalid, and the instrument, therefore, is in appearance void; yet if the falsehood of the assertion be proved, the instrument is thereby, and in its professed character, made the subject of forgery: since the assertion is not conclusive of the fact, and, having been disproved, is as if it had never been. Rex *v.* Mackintosh, Leach, 883; East P. C. c. 19. s. 39 (*c*).

Indictment for forging and uttering the following writing, calling it in one count an order for payment of money, in another a bill of exchange:—"Petersfield, 6 August 1799. Sir, please to pay, on demand, to Mr. Hugh Young, or order, all my proportion of prize-money, due to me for my services on board his majesty's ship Leander; for which this shall be your authority. Witness my hand,

John Johnson,
⋈
his mark.

"To Alex^r Davison, esq.
"No. 21, Milbank-street, Westminster.

"Signed before us,
"Walter Noble, minister.
"John Williams, } churchwardens."
"Francis Gibbons, }

Objected: 1° That this was not a bill or an order within the 7 G. 2. c. 22, because no sum of money was mentioned; and it was not certain that any money would be due to Johnson. 2° Upon the assumption that

(*c*) Sir Edward East, in considering "*How far using a fictitious Name, or personating the true Man or fictitious Character assumed at the Time, will affect the Offence,*" proceeds thus: First, it is a clear proposition, that the making of any false instrument which is the subject of forgery with a fraudulent intent, although in the name of a non-existing person, is as much a forgery as if it had been made in the name

Johnson, whose name was forged, was discharged from the service at the time the instrument bears date, and was actually within seven miles of a port where seamen's wages were paid, the instrument, if genuine, would be void under 32 G. 3. c. 34. s. 2, from its not being signed or attested according to that act, and therefore the forging of it is not felony. *Held*, by eleven judges (absent one), 1° That the instrument was an order for the payment of money within the 7 G. 2. c. 2. 2° The false making in the present case amounts to the crime of forgery. The order purports to be made by John Johnson of *Petersfield*, which place is *beyond the distance of seven miles*, within which distance unless such order is signed before and attested by the proper persons mentioned in the act, it is not good valid and sufficient. This attestation the legislature thought necessary for the security of those who are intrusted with the payment of money, and who cannot be expected to know the fact themselves, but who must rely on the fidelity of the attestation, and upon its being fairly obtained. Now this order purports to have been made by the party claiming the money at Petersfield, which is beyond the distance within which the attestation is required, when in truth and in fact it was not drawn at Petersfield, but was an untrue representation, and the money was obtained under such false suggestion; it appearing on the evidence to be false. Rex *v.* Mackintosh, East P. C. c. 19. s. 39; Leach, 883; cor. Le Blanc, J., Chambre, J., and Hotham, B.; O. B. Sept. 1800.

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name of one who was known to exist, and to whom credit was due. Further, that it makes no difference whether the making of the false instrument or signature be really necessary to the advantage so fraudulently attempted to be obtained by the party, or gain him any additional credit; it is sufficient if it be made with such fraudulent intent. That the next consideration, and that which seems to have involved in it the greatest difficulty, is, how far the personating the true man, or assuming a fictitious character at the time, will affect the offence. Upon which subject he observes, that first it may be proper to advert to certain principles which were laid down in the case of Elizabeth Dunn, in 1765 (infra, pl. 1396): 1° That if a person give a note or other security as his own note or security, and the credit thereupon be personal to himself without any relation to another, his signing such a note with a fictitious name may indeed be a cheat, but will not amount to forgery; for in that case it is really the instrument of the party whose act it purports to be, and the creditor had no other security in view. 2° But if a note be given in the name of another person, either really existing or represented so to be, and in that light it obtain a superior credit, or induce a trust which would not have been given to the party himself, it is then a false instrument, and punishable as forgery. 3° That the law would be the same, though the note or security were thus falsely subscribed in the presence of him who lent his money upon it, if the impostor and the party whose name is made use of were both strangers to him; for then he could not know that such impostor was not really the person whose name he assumed, and therefore the other would be equally deceived. He then continues: How far the first proposition above laid down is to be taken in its utmost latitude has been the subject of much difference of opinion, which I shall now proceed to consider. It is necessary, however, to pursue the subject by steps. And, first, I take it to be clearly settled, that in the case of forgery committed in the name of a person really existing, it matters not whether the offender pass himself off upon the parties at the time for such person, and receive credit from them as such; for in truth the credit in that case is not given to the impostor personally, without any relation to another, but to that other person whom he represents himself to be. Secondly, I take it to be equally clear, that forgery may be committed in the name of a supposed character who does not exist, but is assumed by the offender for the purpose of the fraud. In Dunn's case (infra, pl. 1396), it was agreed to be totally immaterial whether such a person as Mary Wallace existed or not. The character which the prisoner represented herself to be was different from her own, and she obtained the credit by being supposed to be a different person from what she really was. The cases also of Taft in 1777 (infra, pl. 1397), and Taylor in 1779 (infra, pl. 1398), stand on this ground. In both, the offenders assumed to be the identical persons whose names they subscribed, though they obtained no additional credit on that account. It is true, that in Taft's case the bankers would not discount the bill without the indorsement of the prisoner, to whom in that respect it may be said that some personal credit was given, however slight; yet his person being unknown, little or no stress can be laid on that. This matter, he continues, seemed once to have been put out of doubt by the case of John Shepherd (infra, pl. 1399); and after detailing it, he subjoins: The credit here was indisputably given to the prisoner personally, the security tendered being considered as his alone; and it is agreed that the judges were unanimous in adjudging the offence to amount to forgery. And yet I find it very difficult to distinguish this case upon principle from a subsequent one, where the judges were much divided in opinion. This was the case of John Henry Aickles (infra, pl. 1403.) And after detailing it, he proceeds as follows:— I cannot help suspecting, that much of the difficulty in these cases arises from mistaking matters of fact for matters of law, and confounding the two together. It seems very difficult to distinguish Aickles's case from Shepherd's. It may be said, that in Shepherd's case the prisoner had not been known by the name of H. Turner previous to the transaction, but merely assumed to be such a person at the instant for the purpose of the fraud; and that in truth no person was found to answer the description of the man he pretended to be. But if this matter be accurately considered, it must appear that the length of time during which the fictitious name has been adopted previous to the fact, is only evidence of the intent, any more than the true description of the party's place of abode. If the party for other purposes have adopted another name by which he is known, and issue his signature accordingly, it may be a good reason with the jury for finding that he really intended at the time to issue it as his own instrument, and did not adopt the name then with a view to shift the future responsibility of it from himself under the colour of its being the act of another. But the finding of the jury in Aickles's case seems to have concluded that question; for they found that the prisoner assumed the name by which he had never been known before for the purpose of defrauding Gedge; unless indeed it may be said, that such a finding does not necessarily include that the fraud was intended to be effected at the time by disowning

1382. The fabrication must be co-existent with the fraudulent intention: since the qualities of a crime must be coeval with each other. The fabrication and intention must be co-existent.

1383. And, therefore, if A., with a fraudulent intention, direct another to do in his name what in law is a forgery, and before it is accomplished gives evident proof (as by going before a magistrate) of his repentance; a subsequent fabrication by the agent, pursuant to the original direction, will not be forgery in A.

1384. The place where a counterfeit is made must be somewhere in England: since, at common law, no cognizance can be taken of offences done abroad, and none of the statutes, which in this particular have altered the law, extend to the misdemeanor of forgery. Place of fabrication.

SECTION X.

The Fabrication, at Common Law, considered in relation to Truth and Falsehood.

1385. To be a forgery, the writing must be false: this circumstance having entered into the original limited idea of the crime, and the notion of its qualities, as now settled, corresponding, in this particular, with the original idea. Falsehood is essential.

1386. So that A. is not guilty of forgery in passing off a true bill of exchange, through the medium of a representation that he is himself the maker. Vide Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 229.

Supra, pl. 1245.

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disowning the note afterwards, as the act of another and not of himself. I do not stop to inquire whether this were a proper finding under all the circumstances, because it is not my intention to discuss a mere matter of evidence, or a deduction of fact. But assuming the conclusion of the jury to be right, the doubt is as applicable to the former case of Shepherd as to this of Aickles. Shepherd did no more than assume the name of H. Turner, by which he had never been known before, for the purpose of defrauding Elliott; Aickles did the like, under the assumed name of Mason. It is possible, therefore, that the judges who doubted in the latter case went upon the ground, that it did not appear from the evidence that Aickles made use of the name of Mason with a deceitful intention at the time of afterwards disowning the act in order to avoid the responsibility and escaping detection; but intended at the time to abide by the act as his own, and meet the consequences as well as he could. Where an impostor assumes the name and character of an existing person for such a purpose, the very act is decisive of such an intent. Where a particular character is assumed, though not existing in reality, as the executor of another, who is in truth alive, the intent appears equally plain; but in the bare assumption of a fictitious name, without any particular designation of character annexed to it, it may be more difficult, upon occasion, to fix this intention upon the party; because the act itself is of a more equivocal nature. Yet it cannot be conceived, but that if a rogue, knowing that he cannot obtain credit under his real name, assume another for the purpose of practising his imposition more easily, and under such assumed name negotiate a note, intending at the time to skulk from his responsibility, under pretence that it was not his proper act, such a case would fall strictly under the definition of forgery; although he may, the better to colour his purpose, have assumed such fictitious name some little time previous. I observe, he further continues, that in Aickles' case the note was dated the 18th of December 1786, and made payable three months after date. He was tried in February 1787, which was before the note became due. It does not appear but that he continued to pass by the same name of Mason to the time of his apprehension, as he had certainly done for some time (how long does not appear) before the 9th of January, when the note was negotiated, and probably at the time it bore date. There was no opportunity of knowing whether he meant to disavow his act at the time of payment, which might have been evidence of his original intent, though such intent might certainly be collected from preceding and intermediate acts. The judges, who were disposed to acquit the prisoner of forgery, probably thought that there was no evidence of any such intent. The intent, however, is strictly a matter of fact for the jury to pronounce upon under all the circumstances; and if properly left to them must conclude the question. But, he concludes, to consider the matter truly, does not the very act of changing his name for such a fraudulent purpose carry in itself intrinsic evidence that the party wishes to be thought a different person from what he really is, and consequently to pass off his act as the act of another. The instrument is false; and if the intention be to deceive and defraud, it falls expressly within the definition of forgery. And if it be part of that definition that the act should be done in the name of another, such a change of name may, under circumstances, furnish evidence of its having been so done. Though it may be doubted how such an amended definition will square with the case of a party antedating a deed of conveyance in his own name, in order to give it a fraudulent priority over another, or with any cases of fraudulent alterations of instruments by the parties themselves who made them in prejudice of the rights of other persons, which are all admitted to be forgeries. East P. C. c. 19. s. 46—50.

1387. Or in passing off the bill of an insolvent, representing it as the bill of an eminent merchant of the same name. Vide Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 229.

Supra, pl. 1245.

1388. Since, though in these, and similar cases, the consequences may be the same as where a bill is forged, yet are they not within the terms of the definition.

But in what circumstance is immaterial.

1389. All other essentials, however, concurring, it is immaterial in what respect the writing is fictitious: the falsity of any one circumstance of which the instrument is made up, will amount to forgery (*a*).

(*a*) Professor Hume, in speaking of modes of falsehood, observes: 1° That the most undoubted mode of *capital* falsification, is the felonious making and publishing of a writing, to the prejudice of another, as the *signed instrument* of a person who has not signed it. Some have even thought, that it is to this mode of falsehood alone that the term *forgery* properly applies; and certainly on account of the facility, the danger, and the profligacy of such an attempt, in which one man presumptuously assumes the person, and acts in the name of another, it is the object of the peculiar aversion and jealousy of the law. To insure the success of such an enterprize, the offender ordinarily proceeds by imitation of the hand-writing of the person to whom he ascribes the deed; that it may pass unsuspected, by favour of that resemblance. And where this course has been taken, it is certainly no objection to the charge, or to its relevancy for the highest pains of law, that the panel is deficient in skill or attention, and has executed the imitation in so blundering and awkward a manner as almost to insure his detection; mispelling the name perhaps, or omitting some part of the subscription. A blunder of this kind happened in the case of Margaret Nisbet, in 1726; who, in forging a bill on the duchess of Gordon, not a peeress in her own right, omitted the Christian name. Such mistakes, like the want of the water-mark in the paper of a forged bank-note, affect the prudence only, and not the dole or depravity of the offender's purpose; and cannot be at all considered by the law. 2° But although this, of counterfeiting a man's hand, be an ordinary, it does not seem to be a necessary circumstance of the capital offence. For there are several situations in which, without taking that course, the offender equally publishes a writing, as the deed and signed instruments of a person who knows nothing of it; and where he not only accomplishes the same end, but does so, substantially, through the very same mode of imposition, and one which shews an equal depravity on his part. Thus put the case, that money is obtained by the false acceptance of a bill in the name of one to whom it is specially addressed by name and description, and who is a person of known credit, but who never could sign his name; this seems nevertheless to be a forgery, and a capital crime. It is still true, that the offender has made a false deed for him, and in his name; and has done so, not by means of any alteration, corruption, or other evil practice on a writing which that person had signed (for any of these would be a different *mode* of imposition), but by the bold device of assuming his person, signing his name for him, and producing and passing *as his genuine signed writing*, that to which he never set his hand. That in these circumstances the falsehood was more likely to be detected, (for the objection comes to no more), is quite an extraneous consideration, and in nowise alters the substance, or lessons the guilt of that which is done. Further, as the complete crime does not in any instance depend on the success of the device in the obtaining of money; so it would still be a forgery, though this bill should be stopped, as may probably happen, on the very first attempt to use it.

Let another case be put, which seems to be much of the same character: that one has got possession of a bill, which stands indorsed to another person of the same name and surname, and who is of better credit, and is fully described in the indorsement; and that he transfers and indorses this bill to some third person, who pays him the value, believing him to be the person described in the preceding indorsement. Though he sign his own name and surname, and do not counterfeit the hand of the true indorsee; still he signs for him, and assumes his person and character, and in his name utters the bill, which is taken on the credit of that name, and may be further circulated by means of it to such as are not acquainted with the hand.

It would be somewhat a different, but still a difficult case, if one who has found a bill blank indorsed, should, on getting payment from the acceptor or a discounter, grant a receipt or an indorsement under a pure *fictitious* name. It is a plausible argument in such a case, that the credit is here given to the offender himself *personally*, as an individual, without any regard to the name he assumes, or any reliance on the character or sufficiency of any other man; and that though signed with a fictitious name, the instrument is still taken and received as the instrument of the very person who tenders it, and no other. No such case has yet been tried in the court of Justiciary. But in the English courts, it has on more than one occasion been held a sufficient answer to this plea, that still the name is a false name, not signed by any such person as it purports to be; and that although the prisoner gains no additional credit by means of the fictitious name, still he uses it to defraud both the discounter and the true owner of the bill; the one by depriving him of the benefit of a real indorser, and the other by eluding his inquiries, and running off with the value.

There is a situation different from either of these, and which holds a middle place between them. This is, where the name is signed of a person who never existed, but to whom at the same time a certain character and description are attributed, such as may find credit in the market, and serve the purpose of procuring money. A charge of this sort, along with others, appears in the libel against William Hunter in 1708. Hunter had obtained a confirmation of Margaret Guine, *spouse of John Hodge, as executor*

1390. The falsity which commonly occurs is in the name; and may consist either, first, in using, without any authority, and with a fraudulent intention, the name of another person as such. Falsehood in name—of two kinds.

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executor to her deceased brother Robert Guine, who was creditor, by certificate, to the African Company. In truth there was no such person as Margaret Guine: John Hodge was dead; and the name of his relict was not Margaret Guine, but Agnes Crawford. Hunter proceeded to forge an indorsement, in his own favour, of the said certificate, in the name of John Hodge and Margaret Guine; and this he presented for payment, but, as far as appears, without success. This complex charge was found relevant, and the panel, having confessed, was condemned to die. But the point now in question was not urged at the bar; and as the forgery of Margaret Guine's name was combined with that of the name of John Hodge, once an existing person, and also with a separate and a capital charge, this case cannot, perhaps, be considered as a precedent.

This matter may be further illustrated, thus: There are two ways in which the law of Scotland allows a person to subscribe; by his own hand, if he can write, and otherwise by the hands of notaries, to whom he gives a mandate, and in presence of witnesses, who sign along with the notaries. Now if it should happen, (though not a likely event) that the due number of persons conspire to frame a false deed of this last sort, for a person who cannot write, they have it in their power to accomplish their purpose, without any imitation of hands, and even in one sense, without any false subscription; by signing, each of them his own name, in their respective capacities of notary and witness, but *falsely* relating and affirming a mandate so to do. Now substantially this is the very same thing, and as much or even more deserving of the highest pains, as when John signs the name, and counterfeits the hand of James. In truth, these notaries *do* sign the name of another man; that is, in the way wherein the law allows persons in his condition to sign: and whether the appearance of a genuine and authentic deed is given to a false one, in the one or the other way of subscription, seems to be quite indifferent; since the substance, the wickedness and the effect of what is done, are the same in both situations. This is not a fictitious case: Sentence of death was, in 1708, passed on Mungo Strachan, notary, and William Hunter, for the execution in this way of two false deeds of factory in the name of persons deceased.

Of a nature nearly allied to this, and fit to be ruled by the same principle, is the no less unlikely but adjudged case of one man personating another who cannot write, and thus imposing on notaries, to whom he gives a mandate to sign for him whom he personates, and who is to them unknown. This is the description of the case of David Donaldson in 1611. This man had got into the confidence of one Alexander, an old, bedridden, and facile person, and blind of one eye; and having made use of this situation to purloin his effects, and among other things two bonds for money, he fell on this device to recover their contents. He employs a notary, as if by Alexander's desire, to draw an assignation in favour of him, Donaldson, of all Alexander's effects, and in particular of these bonds. He then carries this notary and another, along with sundry honest witnesses, but all of them strangers to Alexander, to a house in Leith, where Alexander is shewn to them (as they believe), lying ill in bed, and with a patch on his eye and cheek. After hearing the assignation read, this person gives a mandate to the notaries to subscribe for him; which is accordingly done. In truth this person was not Alexander, but one John Henry, a cobler, and an associate of Donaldson, whom he had seduced to join in the plot. The instrument being thus obtained, without any manner of wrong on the part of any one whose hand appeared at it, and Donaldson, out of impatience to reap the fruit of his villainy, proceeding to do diligence on the bonds in Alexander's life-time, the truth comes to light, he is tried, convicted and has sentence of death.

Extraordinary as this case may seem, it is not, however, single of its kind. John Watson, in Barnhill, had in like manner sentence of death; having fraudulently inserted the name of John Coutts in a bond as cautioner for him, "and thereafter deceitfully bringing another man to John Craig, notar, and making him to name himself John Coutts, and so gave command to the notar to subscribe." Now the device employed in these instances entirely agrees, in this leading character, with the more common one of the imitation of handwriting, that it is the false assumption of the person of another *in the act of signing a deed*; and whether this is done by the forger taking the pen into his own hand, or by his authorizing, under a false person, the pen of another, according to the form by law allowed, seems not to be material to the guilt of the case; if it is not that the latter is the bolder, more deliberate, and more complicated artifice of the two.

3° According to the principle which ruled in these instances, there may seem to be room for a question, whether a capital offence is not committed by subscriptions, even of so irregular a kind as scarcely admit forgery in the way of imitation of hand, but to which the civil courts do, however, pay regard in some patrimonial questions. As if one man assume the person of another, and in his name draw money which he has a right to, and put his mark to a receipt or promissory note for the sum, and authorize the payer, in his presence, to write his assumed name and designation, in the usual manner, round the mark. Or if he present a bill, bearing the acceptance, by mark or initials, of one who is in good credit, and bring an associate along with him, who personates this acceptor, and acknowledges the mark; and if he shall thus discount and draw money on the bill, under the credit of this false acceptance. No case of this character has yet been tried in our courts. And though in the English courts it has more than once been decided, that such a device is forgery, and falls under their statutes in that behalf; yet this may not afford a certain inference with respect to our law: both because something may depend on the binding power of such instruments in civil matters, according to the practice of the two countries; and because the frequent tricks and devices of all sorts, which occur in the more busy and corrupted market of that kingdom, have led to a broader construction of the crime of forgery in general, in their courts, than has yet been received in ours.

The following cases also are difficult, and may be the subject of different opinions: The case of a genuine

1391. Or, secondly, in assuming, with a fraudulent intention, the name of another as one's own.

Using another's name.

1392. The case first supposed illustrates itself; nor needs any further comment, than that the principles which are about to be applied to the second, changing what should be changed, are applicable to the first.

Assuming another's name.

1393. As to the second: fabricating an instrument in a different name to one's own, may or may not amount to forgery.

May.

1394. It will amount to forgery, where there is no intention of appearing to be a different person to what one really is: since in the civil association, character, not name, essentially distinguishes one man from another, and that act by me cannot be false (and therefore cannot be forgery, of which falsehood is the essence,) which is done in my own individual character.

1395. Nor will it amount to forgery where, though the intention is to appear to be a different person to what one really is, yet not through that medium to accomplish a fraud: since then an essential term of the definition will be wanting.

In what cases it will amount to forgery.

1396. It will amount to forgery, where the name is assumed for the purpose of appearing as a different person to one's real self: As where Elizabeth Dunn, characterizing herself, for the purpose of the present fraud, as the wife of John Wallace, made, as such, and by the name of Mary Wallace, a promissory note. Rex *v.* Dunn, Leach, 57; East P. C. c. 19. s. 49; by nine Judges, Aston, J. diss..

Indictment on 2 G. 2. c. 15. s. 1, for forging and uttering this note,—"I promise to pay to Mr. Edward Hooper, or order, the sum of three (omitting the word pounds) eighteen shillings and sixpence, seven days after date, value received. Mary Wallace, ⋈ her mark,"—with intent to defraud, 1° the said Edward Hooper; 2° the person entitled to receive the money due to John Wallace, late seaman on board his majesty's ship L'Epreuve. *Case:* It appeared in evidence that Mr. Hooper was a prize agent, and that the prisoner applied to him with the probate or pretended probate of the will of her husband John Wallace, in which she was named his executrix. Thereupon he searched, and found that wages were due to John Wallace; but he refused to pay her, until she produced a certificate of her identity. However, upon her pleading poverty, he advanced her first five shillings, and afterwards three guineas and a half more; and then wrote the body of the note mentioned before, to which she

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a genuine subscription torn from one deed, and pasted or affixed to another in such a manner as not easily to be discovered: and the case of a bill or promissory note, drawn over a genuine subscription, which had been written so far below the body of the authentic instrument to which it belonged, as to allow of this fraudulent operation. In one sense this subscription may be said to be genuine; yet still it is true, that the act of signing, as relative to this bill or note—the application of the person's name to this particular use, is the false act and fiction of the offender. Accordingly, if the practice of former times is to be followed, this also shall be held to be a forgery; for we have a strong precedent of a sentence of death on a charge of that description.

I have not, however, found any precedent which determines this other, and an important question,—whether a capital forgery is alike committed by counterfeiting the hands of witnesses to a true instrument, as the hand itself of the alleged grantor of the deed. Certainly, in either case, a subscription is counterfeited in order to authenticate a deed; and an instrument is thus rendered ex facie valid, and such as cannot be set aside without a proof of forgery, instead of being (as it would otherwise be) ex facie null, and liable to a good exception in law; so that the operation is to the material prejudice of the person subscribing. The difficulty is, that the instrument is not false in the fundamental matter, the subscription of the party, but in the form and manner only of his subscription, which are but a quality of his deed. Yet it is such a quality, that our law holds the writing, in all matters of importance, to be no writing without it; and as subscriptions are here counterfeited in order to avoid an objection, which would be as fatal to the deed as the want of the grantor's name, so it may plausibly be argued, that such a charge ought to be sustained.

The guilt rises higher, if, beside the false subscription of witnesses, falsehood is committed also in the body of the deed. As if a bankrupt, wishing to favour one of his creditors, conveys certain lands to him in security of his debt, and antedates the deed to elude the law against such preferences; and being unable to find trusty witnesses for his purpose, he forges the names of persons in that capacity. This was the nature of the second charge against James and Alexander Lowrie and John Winzet, in 1597, who, for some undue purpose, antedated sundry assignations, and forged the names of three witnesses to support them; and who, on a conviction of this charge only, had sentence of death. A still worse case, and one which is certainly capital, is that of a notary who draws an instrument relating a seisin of lands which he never gave, and forges the names of witnesses to lend it faith; for not only the names of those witnesses are false, but the whole instrument is a fiction; and such an instrument is as much the deed and attestation of the witnesses, and is as much published in their names as in that of the notary himself.

put her mark. Upon asking what name he must write over the mark, she answered, you know my name well enough, I told you before it was Mary Wallace; which name he accordingly wrote. It was proved that her name was Elizabeth Dunn, and not Mary Wallace. *Objected*, that this was not a forgery. *Held*, upon a case reserved, by nine judges, Aston, J. dissenting, that it was. Aston, J. thought that at most it was a mere fraud, in assuming a false name: that to constitute forgery, the instrument itself must be false; and that the mere assumption to it of a fictitious name will not make the instrument itself a forgery: that here the note was really and truly the note of the prisoner, and was given by her as her own note; upon which she might be sued the same as had she signed her true name. The other judges agreed, that to constitute forgery the instrument must be a false instrument in itself; and if a person give a note entirely as his own, his subscribing by a fictitious name will not make it a forgery, the credit being there wholly given to himself, without any regard to the name, or without any relation to a third person: but that an instrument made as the act and instrument of another, and which in that light obtains a superior credit, when in truth it is not the act of the person represented, is strictly and properly a false instrument; for in that case the party deceived does not advance his money, or accept the instrument, upon the personal credit of the party producing it, but upon the name and character of the third person, whose situation and circumstances import a superior security for the debt; and, therefore, if in truth it is not the instrument of that third person, whose name and situation induced the credit, it is certainly a false instrument, and the intention fraudulent to the party imposed upon by it; for he believed, when he accepted the security, that he had a remedy upon it against the third person in whose name it was given, and on whom he relied when he advanced the money; but this being false, he has no such remedy, and therefore is materially deceived. In this respect, the case is very different from that of a person borrowing money upon his own note, and merely assuming a fictitious name, without any relation to a different person; for there the whole credit is given to the party himself; the lender accepts the security as the security of that person only; he has no other remedy in view but merely against the man he is dealing with; and the security itself is really and truly the instrument of the party whose act it purports to be, however subscribed by a fictitious name; he has therefore a remedy upon it against the person on whose credit he took it, and consequently is not substantially defrauded. But here no credit was given to the prisoner herself personally, for she was totally unknown both to Hooper and his clerk; the money was refused on her first application, and a certificate required that she was the same Mary Wallace, the widow and executrix of the seaman. It was not till she brought the probate, and from thence and her own representation appeared to be the executrix of John Wallace, (and as such entitled to his wages) that he would advance the money to her. In that character and capacity she gave the note, and virtually directed the clerk to write the name of Mary Wallace over her mark, (as the name she had told him before); it was therefore upon the supposed note of Mary Wallace, the executrix of the seaman, that this money was advanced; by this note the prosecutor believed that he had a remedy against that executrix, and that the wages of her husband would be a fund for repaying him. It now turns out that this was not the note of John Wallace's executrix, and that he has no remedy upon it against the person whose note it purported to be, and on whom he relied; it was therefore a false note, and as such within the statute. Whether, in fact, there be any such person as Mary Wallace, executrix of John Wallace, a seaman, is totally immaterial. If an instrument be false in itself, and by its purporting to be the act of another a credit is obtained, which would not otherwise have been given to it, it is a forgery, though the name in which it is given be really a nonentity, as was decided in Anne Lewis's case. Had the note in question been brought by the prisoner ready signed with the name of Mary Wallace, executrix of John Wallace, and she had so obtained the money, it could hardly have been doubted but this would have been uttering a forgery; and what difference can it make that she signed that name (under the same misrepresentation) in the presence of the prosecutor, as the prisoner was an absolute stranger to him. He had no better means of knowing whether this was the note of Mary Wallace, than if she had signed it before she came thither: the falsity of the note, and the fraud upon the prosecutor, were precisely the same. Rex *v.* Dunn, Leach, 57; East P. C. c. 19. s. 48, 49; cor. Eyre, Rec.; O. B. Sept. 1765.

1397. As where Tuft, on being required to indorse in his own name a bill with a blank indorsement, as the condition upon which alone it would be discounted, indorsed by the name of Williams. Rex *v.* Taft or Tuft, Leach, 172; East P. C. c. 19. s. 47.

Indictment for forging an indorsement on a bill of exchange in the name of John Williams. *Case:* The bill was drawn payable to the order of Messrs. Renwicke and Mee, by whom it was indorsed generally. It afterwards became the property of William Wheewall, out of whose pocket it was picked at Leicester races. The prisoner endeavoured to negotiate it the same night at Leicester, but without effect, though he offered a considerable premium. He then went to Market Harborough, where he bought a horse of the inn-keeper, and offered him this bill to change, who carried it to a bankers' in the town, whither the prisoner afterwards accompanied him, and the clerk offered to discount it if the prisoner would indorse it, which he was informed was the invariable rule of the house. The prisoner immediately indorsed it by the name of John Williams, which was not his name, and received its amount. *Held*, by the twelve judges, that this was forgery within the statute. For though the fictitious signature was not necessary to his obtaining the money, and his intent in writing a false name was only to conceal through whose hands the bill had passed, yet it was a fraud both on the owner and on the person discounting it, as the one lost the chance of tracing it, and the other the benefit of a real indorser: and the forging a name either of a real or fictitious person, with intent to defraud, was, in Lockett's case, holden to be forgery. Rex *v.* Taft or Tuft, East P. C. c. 19. s. 47; Leach, 172; cor. Nares, J. at Leicester Lent Ass. 1777.

1398. As where Taylor having, by undue means, possessed himself of a bill indorsed in blank, on discounting it with the acceptor receipted it by the name of Wilson. Rex *v.* Taylor, Leach, 214; East P. C. c. 19. s. 47.

Indictment for forging a receipt to a bill, namely, "Rec^{d} W. Wilson." *Case:* The bill had been indorsed in blank, and lost; the prisoner presented it for payment to the drawee two or three days before it became due, saying, that he would give a trifle to adjust the difference, and accordingly gave 1 *s.* for the discount. The drawee desired him to write a receipt on the back of the bill, which he did by writing the receipt in question in the fictitious name of Wilson. *Objected*, that this was not a receipt for money within the act; that the receipt here was unnecessary, the possession of the bill being a sufficient discharge to the payer, and his discharge was not strengthened by the words written by the prisoner; consequently the act of the prisoner was of no effect; that he was not compellable to give any receipt; that he gained no additional credit by the name he assumed; that the writing on the back of the bill was, in truth, a mere memorandum, and did not operate as an acquittance against any person but the man himself who received it, who would be equally estopped by it as if he had written his own name. *Held*, that the case was within the letter and meaning of the act; that this was a receipt evidently false, and the only question was, whether the prisoner intended to defraud any person. The prisoner knew that he had fraudulently acquired the possession of the bill; that it was necessary, to elude any inquiry after him, that he should conceal his name; and his intention to defraud the owner of the bill was manifest from his whole conduct. And upon reference to the judges, they considered (Buller, J. doubting) that though the prisoner did not gain any additional credit by signing the name he put to the receipt, as the bill was not by the indorsement made payable to the person whose name he used, but indorsed in blank; yet still it was a forgery, for it was done with intent to defraud the true owner of the bill, and to prevent a probability of tracing the person by whom the money was received. Rex *v.* Taylor, East P. C. c. 19. s. 46; Leach, 214; cor. Willes, J. and Eyre, B.; O. B. Oct. 1779.

1399. As where Shepherd gave a draft by the name of Turner. Rex *v.* Sheppard or Shepherd, Leach, 226; East P. C. c. 19. s. 50.

Indictment for forging (*d*) an order for payment of money, with the name of H. Turner subscribed thereto, with intent to defraud James Elliott: the order was to pay John Atkins, or bearer, six guineas, and was directed to Brown, Collinson, & Co. *Case:* The prisoner came to Elliott's shop, and after selecting several articles of silver, pulled out his purse as if going to pay for them; but said he had not cash enough about him, but had a draft upon a banker, which was the same thing as money, and would be paid when presented. Elliott looked at the draft, and seeing it was upon a house he knew, he took it, the sum being a small one, and the prisoner having a genteel appearance. He then desired Elliott to send him a pair of spurs, who took out his memorandum-book to take down the prisoner's direction, and supposing his name to be the same as was signed to the draft (for he said he looked upon it as *his* draft), he wrote down the name H. Turner as the prisoner's name. The prisoner looked over him as he wrote, and said he must add, "jun. Noah's-row, Hampton Court." He then went away. The draft was refused payment by the bankers, no such person as H. Turner keeping cash with them. The prosecutor also inquired in Green-street, from whence the draft was dated; but neither there nor at Hampton Court could he hear of any such person, nor could he hear of any such place as Noah's-row. *Objected:* Whether, as Elliott had proved that he gave credit to the prisoner, and not to the draft, having expressly said that he looked upon it to be *his* (the prisoner's) draft, though not written at the time he took it, the case, amounted to forgery. *Held*, by the twelve judges, that it did; for the instrument was a false instrument, not drawn by any such person as it purported to be; and the using a fictitious name was only for the purpose of deceiving. And the cases of Taylor, Lockett, and Dunn were relied on. Rex *v.* Shepherd or Sheppard, East P. C. c. 19. s. 40; Leach, 226; cor. Ashhurst, J.; O. B. Sept. 1781.

1400. Whiley, a bill of exchange by the name of Milward. Rex *v.* Whiley, Russell, 1437.

Indictment against Samuel Whiley for forging and uttering a bill of exchange for 60 *l.* dated Bath, Jan. 5th, 1805, drawn in the name of Samuel Milward, payable to his own order on Messrs. Stephenson & Co. bankers in London, with intention to defraud H. Thurston. *Case:* The prosecutor was an upholsterer in Bath; and on the 27th Dec. 1804, the prisoner being at that time a stranger to him, came to his house and applied to take a coach-house and stable, which the prosecutor let him for three months. The prisoner then bespoke some goods of the prosecutor to the amount of 16 *l.* 2 *s.*, which he directed to be sent to him, writing his direction in the prosecutor's book, "Sam^{l} Milward, No. 12, Kensington-place, Bath." In the course of three days the goods were sent; and the prisoner came shortly afterwards, and ordered more goods; and before all the goods were delivered, he told the prosecutor to get his bill ready by four o'clock on old Christmas-eve, at which time he would call for it. He called at the time appointed; and the bill, amounting to 49 *l.* 10 *s.*, was given to him. He said the bill was very right; that it was his rule to discharge all bills on old Christmas-eve; and that he would return again in ten minutes, which he did, bringing with him the bill of exchange in question; and saying that he would give the prosecutor a draft on his banker in London for 60 *l.* The prosecutor looked at the bill of exchange, which was indorsed with the name "Sam^{l} Milward;" and upon the prisoner saying it was a good one, gave him the balance of ten guineas. The prisoner then told the prosecutor that he should want more goods, and should be a very good customer to him. The bill of exchange having been sent to the bankers in London, was returned to the prosecutor on the 25th Jan. dishonoured,

(*d*) In Leach it is laid as for uttering only; and the question to have been, whether the representation made by the prisoner was sufficient to render the falsity of it evidence that the instrument was a forgery.

and the prosecutor went immediately to the prisoner's house in Bath; but he found it shut up, and saw nothing more of the prisoner till about three weeks afterwards, when he was in custody. A clerk from the London bankers, Messrs. Stephenson & Co. proved that they knew no such person as Sam[l] Milward. And it was satisfactorily proved, that the prisoner's real name was Sam[l] *Whiley*; that he was baptized as the son of persons of that name, was married by that name, had gone by the same name at Bath, when he lodged there for about a week in the July preceding this transaction, and at Bristol in the following October, as also at Bath again on the 4th of December: and further, that on the 20th of December (which was about a week before he first came to the prosecutor) he had taken a house in Worcestershire under the same name. But on the 28th of December (the day after his first application to the prosecutor) he ordered a brass plate to be engraved with the name of "Milward," which was fixed on the door of his house on the following day. The prisoner stated in his defence, that he had understood from his father that he was christened by the name of Sam[l] Milward; and that, being under difficulties, and afraid of arrests, he had omitted the name of Whiley. In answer to questions put by the learned judge who tried the prisoner, the prosecutor stated that he took the draft on the credit of the prisoner, whom he did not know; that he presumed the prisoner's name was that which he had written, and had no reason to suspect the contrary; but that if the prisoner had come to him under the name of Sam[l] Whiley, he should have given him equal credit for the goods, and have taken the draft from him, and paid him the balance, as he had done when he came under the name of Milward. The learned judge left it to the jury to say, whether the prisoner had assumed the name of "Milward" in the purchase of the goods, and given the draft with intention to defraud the prosecutor. And the jury, saying that they were satisfied of that fact, found the prisoner guilty. And *held*, by the twelve judges, that the question of fraud being so left to the jury, and found by them, the conviction was right. Rex *v.* Whiley, Russell, 1437; cor. Thompson, B. Somersetshire Spring Ass. 1805.

1401. And Francis, an order by the name of Cooke. Rex *v.* Francis, Russell, 1439.

Indictment against Francis for forging an order for the payment of money, in which, by the name of *James Cooke, jun.* he requested Messrs. Praed & Co. bankers in London, to pay Mrs. Ware or bearer 15 *l.* *Case:* On 15th August 1808, the prisoner took lodgings at the house of Mrs. Ware by the week, and continued there till the 9th of September following, on which day he gave Mrs. Ware the order in question for a bank-note of 15 *l.* which she advanced to him upon his applying to her for change. Mrs. Ware paid the order away to a neighbour, who took it to the bankers; and, upon payment being refused, brought it back to Mrs. Ware, who immediately informed the prisoner of its being returned. The prisoner, first reading over the order, said, that he saw he had made a mistake, and had forgotten to put the word "junior," which word he then added, and said that Mrs. Ware would then find it would be right. Shortly afterwards the prisoner left the house, saying he should return to tea; but he never did return. The order, with the addition, was presented at Messrs. Praed & Co.'s the next morning, and payment refused, the drawer not being known at that house, and no person of that name keeping cash there. It was satisfactorily proved that the prisoner's real name was John Francis, though he had occasionally gone by other assumed names. The case was left by the learned judge to the jury, with a direction that they should consider whether the prisoner had assumed the name of *James Cook, junior*, with a fraudulent purpose; and they found a verdict of guilty; but upon some doubts occurring whether the facts in evidence went to establish a forgery, or only a fraud, the case was referred to the consideration of the twelve judges. *Held*, by eight judges (absent four) that the conviction was right. That if the name were assumed for the purpose of the fraud, and avoiding detection, it was as much a forgery as if the name assumed were that of any other person of known credit; though the case would be different if the party had habitually used and become known by another name than his own. Rex *v.* Francis, Russell, 1439; O. B. 1811.

1402. For, in each of these cases, the fictitious name was assumed for the purpose of appearing to be a different person to what the offender really was, and through that medium to accomplish the fraud; so that the terms of the definition—impressing a written instrument with a fictitious character, with intent to defraud, were satisfied.

Nor is Aickles' case in opposition to the rest.

1403. And though where Aickles gave a note by the name of Mason, there was a difference of opinion as to whether it was a forgery; yet it seems that the difference arose out of the particular circumstances of the case, and that the doubt was as to the existence of a matter of fact, not as to the legal result had the fact been clear. If it be ceded, that he assumed the name for the purpose of appearing to be a different person to what he really was, and through that medium to accomplish the fraud, there seems to be no question but that forgery was committed. Rex *v.* Aickles, Leach, 438; East P. C. c. 19. s. 50.

Indictment against John Henry Aickles for forging and for uttering a promissory note, payable to Byron, and signed John Mason, No. 4, Argyle-street, Oxford-road, with intent to defraud Gedge. *Case:* The note in question was on the 9th Jan. 1787, tendered by Byron to Gedge's shopman in payment for some wares. Byron, upon being asked, described John Mason as a gentleman of fortune, with whom he was concerned in a coal-mine, living at No. 4, Argyle-street. The shopman declined leaving the goods

with him, but promised to send them if upon inquiry the note were good. He immediately went to No. 4, Argyle-street, and inquired for Mr. Mason. The prisoner appeared, and said his name was John Mason, and that the note was drawn by him, and should be paid when due. It was proved, that before the 9th of January the prisoner had taken the house No. 4, Argyle-street, in the name of John Mason, esq. by which description, also, inquiry had been made by the person letting the house concerning his character, at a coffee-house, which was a favourable one. It was then proved, *according to East*, that he had always passed by the name of John Henry Aickles, and had been tried several times at the Old Bailey, and was known by that name since the year 1780 until the present time. But according to *Leach* the proof was, that he had been known for three years by the name of John Henry Aickles, and that he had reassumed what was his real name, that of John Mason, to avoid the detection to which the longer use of his fictitious name would unavoidably have exposed him. *Objected*, that these facts did not amount to forgery, in that the law required that the act be done in the name of another person. The judge directed the jury, that the only ground on which they could convict the prisoner was, if they believed that this note was drawn by him in consequence of a concerted scheme between him and Byron to defraud Gedge; that the prisoner had never gone by the name of John Mason before; and had assumed it for the purpose of this fraud; in which case, to find these facts. The jury found specially, that the prisoner intended to defraud Gedge, and assumed the name of Mason for the purpose of this fraud; that he had never gone by that name before; and that they disbelieved a witness for the prisoner, who deposed that two years ago he was inquired for and known by that name at a coffee-house. *Held, according to Leach*, by the twelve judges, that under the particular circumstances which occurred in evidence the offence was not forgery. But, *according to East*, this judgment was through mistake given as their opinion by Ashhurst, J. That many of them, indeed, seemed to entertain such an opinion, but several thought otherwise; and they never came to any final resolution on the matter. Those who considered that the case amounted to forgery, went upon this: that there was an apparent design for fraud in general, and the jury were satisfied that the prisoner had assumed the name of Mason, which was not his name, nor had ever been used by him before, but always Aickles, with intent to defraud Gedge. He therefore made the note in the name of another as if his own, and clearly with an intent to defraud. Whether there existed a person of that name or not was immaterial; the felony consisted in the intent to defraud under the falsity. One might assume a feigned name, and make a draft in it, and yet innocent; as if he concealed himself to avoid arrest, and had appointed his friend, on whom he drew, to pay his bills; or, giving notes, took care to pay them when due. But the prisoner having no such intention, but on the contrary to defraud the party by making the note under such disguised name, by which after he left the place of concealment he could not be traced, the case amounted to forgery. There was no ground to distinguish this from the common case where a draft is made in the name of a person who does not exist. It was in reality a deeper fraud, because the entity of such drawer would at once be disavowed at the place of his supposed residence; whereas in the present case of a note, there would be no circumstance to find out the maker when he quitted the place where he made the note. Those who inclined that the case was not forgery went on the doubt, whether to constitute forgery it was not necessary that the instrument should be made as the act of another, according to the definition of Lord Coke, whether that other existed or not. Whereas here the note was made as the prisoner's own, and avowed by him to be so; the credit was given to the person and not to the name; and the person and not the name was the material thing to be considered. Rex *v.* Aickles, East P. C. c. 19. s. 50; Leach, 438; cor. Grose, J.; O. B. Feb. 1787.

1404. The circumstances were these:—It was proved by the prosecution, that the prisoner, previously to giving this note, and in order to avoid detection for having prematurely returned from transportation, had assumed the name of Mason. The jury were directed to find the facts specially, that the case might be submitted to the judges. They found specially, that the prisoner had never before gone by the name of Mason, but had assumed it for the present occasion. This finding, it is observable, was in the teeth of the evidence for the prosecution, without any reason assigned for disbelieving it; and what renders it the more remarkable is, that they expressly pointed to their disbelief of a somewhat similar proof produced by the prisoner. Now, if we admit that the whole circumstances which occurred in evidence, and not the bare finding merely, were under the consideration of the judges, a fair ground of doubt would have occurred, namely, whether the circumstances warranted the finding; and this appears to have been the case, from the declaration of Mr. Justice Ashhurst, that "under the particular circumstances which occurred in evidence," the judges thought that the offence was not forgery.

Force of the circumstance that the forger assumed to be the maker.

1405. The circumstance that the accused, in passing off an instrument made in a feigned name, assumed and was understood to be the maker, is immaterial: since he assumes and is understood to be the maker, not in his own but in a different character, and means that the instrument shall be considered as that of a different person to his real self. Though he acts in his own person, yet he personates another, and thereby impresses the instrument with a fictitious character. Rex *v.* Sheppard or Shepherd, Leach, 226; East P. C. c. 19, s. 50.

Supra, pl. 1399.

1406. Nor is his demeanor at the time of passing it off otherwise important, than as evidence of the intention with which the fabrication was made: since, whether an instrument is a forgery, cannot depend upon extrinsic circumstances, not identified with its very nature and legal existence; they can have no influence upon the character of the instrument, by which alone the question must be decided. Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 229.

Supra, pl. 1245.

Or that the instrument was taken upon his personal credit.

1407. And for a similar reason will the circumstance be immaterial, that the party defrauded took the instrument upon the personal credit of the accused, whosoever he might in reality be: a consideration, perhaps, that has not been sufficiently attended to. Rex *v.* Whiley, Russell, 1437.

Supra, pl. 1400.

Or that he may be sued thereon.

1408. Nor will the circumstance, that the forged instrument may be made available against the prisoner himself, negative the fact of its having been fabricated in a fictitious character: since, though he himself may be sued thereon, yet will not the suit be against that person with whom the contract was made; the right to sue results, not as a logical conclusion from the premises, but from a positive rule of law, that no one shall take advantage of his own fraud. Rex *v.* Dunn, Leach, 57; East P. C. c. 19. s. 49.

Supra, pl. 1396.

1409. And therefore, where Elizabeth Dunn, characterizing herself (for the purpose of the present fraud) as the wife of John Wallace, gave as such, and by the name of Mary Wallace, a promissory note; it was adjudged to be a forgery, in spite of the objection that she herself might be sued thereon. Rex *v.* Dunn, Leach, 57; East P. C. c. 19. s. 49.

Supra, pl. 1396.

1410. So where Taylor, having by undue means possessed himself of a bill of exchange indorsed in blank, on discounting it with the acceptor, receipted it by the name of Wilson; it was adjudged to be forgery, in spite of the objection that he was equally estopped by the receipt as if he had written his own name. Rex *v.* Taylor, Leach, 214; East P. C. c. 19. s. 47.

Supra, pl. 1398.

Or that the fiction was unnecessary.

1411. Nor will the circumstance, that the prisoner might have gained his ends as readily by appearing in his true character as by assuming a fictitious one, disprove the fraudulent intention: since the collateral effects of the two are dissimilar, and the prospect, therefore, of securing the consequences resulting from the diversity, may reasonably be assumed as a motive for his preferring fiction to truth. Rex *v.* Taft, or Tuft, Leach, 172; East P. C. c. 19. s. 47 (1). Rex *v.* Taylor, Leach, 214; East P. C. c. 19. s. 47 (2). Rex *v.* Whiley, Russell, 1439 (3).

(1) Supra, pl. 1397. (2) Supra, pl. 1398. (3) Supra, pl. 1400.

Fabrication in one's own name.

1412. Even making an instrument in one's own name may amount to forgery; namely, where it is made in the character of a different person to one's real self: since the instrument is then impressed with a fictitious character.

1413. And, therefore, if A. employ an innocent person to draw a bill in his, A.'s, name, and A.'s intention is that the name shall stand for a different person to himself, he is guilty of forgery.

1414. So is A. who, with a fraudulent intention, indorses, in his own name, a bill made payable to one of the same name with himself. Mead *v.* Young, 4 T. R. 28.

1415. So Brown was condemned for uttering a forged note in the same name as his own, the presumption (founded on his demeanor at the time of passing it off) being, that the name was designed to represent, not himself, but his brother. Rex *v.* Parkes & Brown; East P. C. c. 19. s. 49; Leach, 775.

Indictment against Mathias Parkes and Thomas Brown for forging and uttering this note. "Rington, Salop, 20th April 1796. I promise to pay to bearer on demand, at Messrs. Down, Thornton, & Co.

bankers, London, the sum of five guineas for value received. For Self & Co. Thos. Brown." *Case:* The prisoner, Thomas Brown, uttered the note to Hulls, a shoemaker, in part payment for a quantity of boots and shoes, which he bought under pretence that he was a captain Brown of the 17th Regiment, and going immediately to the West Indies. The prisoner Brown, when he bargained for the articles at Hull's shop, desired Hulls to send his boy with him, and he would send back the money. Hulls, however, chose rather to go with the prisoner; and on their way, Brown stated that his brother was agent to the 17th regiment, and would buy all the shoes Hulls had. When they came to a public house, Brown invited Hulls in, saying, he should see his brother presently; and after some conversation about his brother's large fortune, to the amount of 15,000*l.*, which he had lodged in the hands of Messrs. Down & Co., he appeared to be disappointed at not seeing his brother, and said, I am sorry he does not come; I must give you my brother's draft. He then gave Hulls the note in question, who asked, if it was on the money lodged with Down & Co. The prisoner said yes; and added, that his brother and he always paid in that manner on demand, for they wanted no credit. He then appointed Hull's to meet him in the afternoon at another place, where he would pay him the balance. The note was soon discovered to be a forgery, and Hulls could hear nothing more of the prisoner. It appeared that Parkes and Brown were connected together; and when Parkes was taken up more than forty of these five guinea notes, in blank, were found upon him, dated Rington, Salop. A few of the same sort of notes were also found concealed under a vice-board in a shop, where the prisoner Brown was arrested, and which it was probable he had thrust there. The note in question was proved to be filled up in the handwriting of Parkes. The name Thomas Brown was also in the handwriting of Parkes. In Parkes's pocket-book was found a receipt, under a cover addressed to Thomas Brown at the Compter (to which prison Brown was committed), for 21*l.* for four five-guinea bills. Down & Co. had no such customer as Thomas Brown of Rington in Shropshire, and there was no evidence that the prisoner, Thomas Brown, had any residence or connection there. The jury on being asked, declared that they thought Parkes signed the note in question, with Brown's assent, and that Brown uttered it under a representation that it was his brother's, knowing it was not so. *Objected:* 1° That the name *Thomas Brown* was the real name of one of the prisoners. 2° That it was no forgery in Parkes to sign the name of Thomas Brown with his consent. 3° That if Parkes was not guilty of forgery, Brown could not be guilty of uttering the note knowing it to be forged. 4° That the subsequent misrepresentations of Brown ought not to affect Parkes, as there was no evidence that he was aware of the fraudulent circumstances under which Brown would utter the note. That misrepresentations do not amount to forgery, or make that a forgery which was not so at the time of the original making. *Held*, by the twelve judges, that the conviction was wrong as to Parkes, on the ground of their being no evidence that the forgery was committed by him *in Middlesex*, where it was laid (of which in a future page); but that Brown was properly convicted. They observed, the questions as far as they respect Brown are only 1° Whether the note in question is, in construction of law, a forged note; 2° Whether it was uttered by Brown with a knowledge of its having been forged. As to the first question: the definition of forgery is "*the false making* a note or other instrument with intent to defraud." A note or other instrument may be falsely made, either by putting on it the name of a person who does not exist, as in the case of Rex *v.* Taft, (Leach, 172; East P. C. c. 19. s. 47), or by putting on it the name of a person who does exist, without the consent of such person, as in the case of Rex *v.* Bolland (Leach 83). The present is a case where the name of a person, who does not exist, has been put to the note. Thomas Brown produced to the prosecutor a note dated Rington, Salop, which note purported to be drawn by a Thomas Brown, for himself and company, whereby he promises to pay five guineas to the bearer, at Messrs. Down, Thornton & Co, bankers, London. Brown, the prisoner at the bar, at the time he uttered this note to William Halls, did not utter it as *his own* note, but as the note of *his brother*, of the same name; but there is no brother to the prisoner of the name of Thomas Brown existing; and therefore this was the false making of a note in the name of a non-existent person; for it is equally a forgery whether the non-existing person be described as bearing the name of the person uttering the note, or another name. The prisoner, therefore, although his name is Thomas Brown, having uttered this note, describing the signature as the name of another person, is as guilty of having uttered a forged note, as if he had uttered a note on which any other name whatever had been forged. This answers the first objection respecting the name being the real name of the prisoner. As to the second objection, therefore, that it was no forgery to sign the name of Thomas Brown, with Thomas Brown's consent, the answer is short; for as no such person existed to whom the name of Thomas Brown, as signer of the note, was given, there could be no such consent: it was signed by the authority of *a* Thomas Brown, but not by the consent of *the* Thomas Brown whose name it purports to be; no such person existed; for the Thomas Brown whose name is signed to the note, was, according to the very description of that note, then a resident at Rington, in Salop; it imports that he was a correspondent of Down, Thornton & Co.; that he had money in their hands; and, from the other parts of the evidence, that he was the brother of the prisoner; but it was clearly proved that there was no person of that name and description existing at Rington; that no person of that name had any correspondence with, or ever kept cash at Down and Thornton's; and that no person, such as the prisoner Brown represented his brother to be, existed; and as this note was undoubtedly fabricated for the purposes of fraud, it is, according to the legal definition of forgery, a false making of a note in the name of Thomas Brown, a non-existent person, with intention to defraud. The remaining question, whether the prisoner uttered the note, knowing it to have been forged, is decided by the evidence given on the trial, and by the verdict found thereon. The prosecutor proved that the prisoner, at the time it was uttered, said it was his brother's draft, and that he was the agent of the 17th Regiment; that he should see his brother soon; that the note was to be paid out of monies lodged in the hands of Down, Thornton & Co.; that he appointed Mr. Hulls to meet him at three o'clock in the afternoon, at Mr. Drummond's, No. 10, Hart-street, in Bloomsbury; and the jury have found, from the falsehood of these facts and circumstances, that he

uttered it with full knowledge of the forgery; and the judges are of opinion that he has been found guilty upon very sufficient evidence. But it is said, that if Parkes was not guilty of forging this note, the prisoner cannot in law be guilty of uttering it knowing it to have been forged; but the indictment does not charge that he uttered the note knowing it to have heen forged by Parkes, but only with knowing it to have been forged, and therefore, whoever it might have been forged by, his having uttered it, knowing it to have been forged, makes him guilty of the offence charged in the indictment. Rex *v.* Parkes & Brown, East P. C. c. 19. s. 49; Leach, 775; cor. Rooke, J. and Thompson B.; O. B. Sess. 1796.

1416. And though the case of the King *v.* Walker has been supposed to impugn that of the King *v.* Parkes, yet the supposition does not seem to be warranted; in that the former case turned wholly upon the fact of there being no grounds for presuming that the instrument was made in a fictitious character. Rex *v.* Walker, 6 Evans' Stat. part V. ch. xii. (*e*).

1417. Nor can it be material that the forger has no particular individual in his eye at the time, whom he intends to designate under his own name: since the falsity of the instrument does not, in any degree, depend upon that circumstance.

1418. So an instrument may be a forgery notwithstanding it is made as and for, and therefore is, one's own proper deed: since we may give to our actions a fictitious colouring, and thereby impress them with a fictitious character. And as one's own deed.

1419. And, therefore, if A. with intent to defraud B. whom he has already enfeoffed by deed, by a subsequent deed, which he dates antecedent to the former, enfeoff C. of the same tenement, he is guilty of forgery. Salway *v.* Wale, Moore, 655.

Fuit tenus per Popham et Anderson chiefe justice, et per Egerton custodem sigilli', q. si un fait u. deed de feofme't en December, et puis ceo et devant liv'y et seisin execute, le feoffor vend le terre per bone assurance al un aut. et ap's ceo le feoffee prist liv'y de seisin del feoffor; ceo est forgery en le feoffor et feoffee. Et si le feoffee cause le livery d'estre indorse generalment sans l'especial jour del feasance de ceo, cest indorsement est auxi forgery, quia est escript al entent a defrauder le mean assurance, issint est de antedating d'un fait pur tiel purpose, mes antedating n'est forgery si la ne soit un mean interest en ascu. terce p'son d'estre p'judice p. ceo. Salway *v.* Wale, Moor, 655; Mich. 44 & 45 Eliz. In Cam. Stellat. (*f*)

SECTION XI.

The Fabrication, by the Statute Law, considered in relation to Truth and Falsehood.

1420. Provisions against uttering instead of denouncing the publication of fictitious writings only, should have embraced that of genuine instruments in a fictitious character. Falsehood.

1421. Since were A. to pass off the bill of an insolvent, representing it as the bill of an eminent merchant of the same name, he would not be within them. Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 229.

Supra, pl. 1245.

(*e*) Sir William Evans, after noticing the case of Rex *v.* Parkes, observes, "This case, although supported by the highest authority, has always appeared to me to rest upon very questionable principles. As to the last ground stated, of a false representation in passing the note; it is clear, that unless the instrument was a forgery in its inception, it could not be made so by subsequent representation. It surely cannot be said that drawing a bill upon a house with which the drawer has no account, or making a note payable at a house where he has no effects, can be considered a forgery; and the only remaining question is, whether dating it at a place different from the residence of the person signing, is sufficient to make it such. In a case at Lancaster, about the year 1807, before Chambre, J. where a bill by the prisoner, D. Walker, (who was a pauper at Manchester,) was dated Liverpool, signed D. Walker and Co. and drawn on Devaynes and Co. London, it appeared that similar bills had been before drawn in the same manner, and, being provided for before due, had been regularly paid, although the drawer was unknown to the house; the case of Rex *v.* Parkes was cited as an authority; but the learned judge ruled, that the evidence was not sufficient to go to the jury." Evans, ubi supra.

(*f*) Lord Coke observes, The stat. 1 H. 5, hath these words, "forge of new any false deed;" and yet if A. make a feoffment by deed to B. of certain land, and after A. maketh a feoffmnet by deed to C. of the same land, with an ante-date before the feoffment to B.; this was adjudged to be a forgery within that statute: and by like reason, is within the 5 Eliz. and the rather in respect of the words subsequent "or make." 3 Inst. 169; cites 26 H. 6. forger, 8; 27 H. 6. 3.

1422. So where Hevey passed off the bill of M^c^Carty under a representation that he was M^c^Carty himself, he was acquitted. Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 229.

Supra, pl. 1245.

1423. Had M^c^Carty, however, when he made the bill, intended that it should be considered, not as his own, but that of Hevey, the case would have been different.

1424. So where Brown made a promissory note in his own name, and then passed it off as the note of his brother, it was made a question of fact, whether he made the note as his own, or in an assumed character. Rex *v.* Parkes, East P. C. c. 19. s. 49; Leach, 775.

Supra, pl. 1415.

1425. But the fact being that he made the note in an assumed character, he was condemned. Rex *v.* Parkes, East P. C. c. 19. s. 49; Leach, 775.

Supra, pl. 1415.

SECTION XII.

Of the Accomplishment of the Intention, at Common Law.

Publication is not essential.

1426. FORGERY is complete though no publicity be given to the writing (*a*). Rex *v.* Ward, Ld. Raym. 1461; Str. 747 (1). Rex *v.* Crocker, Leach, 987 (2). Rex *v.* Elliott, Leach, 175; East P. C. c. 19. s. 44 (3).

(1) Supra, pl. 1299.

(2) Indictment for forging and uttering a promissory note for payment of 70 *l.* on demand, with interest. Signed Wm. Tucker, dated 7th March 1803. *Case:* In November 1804, the prisoner, by the name of Collins, went with his wife to Salisbury, and took lodgings there, where he continued to reside till May 1805, when he went to London, leaving his wife in his lodgings at Salisbury. In consequence of suspicions, which had arisen from his conduct respecting another matter while in London, his lodgings in Salisbury were searched, his wife being there, but he being in London, and in a bureau belonging to the prisoner in those lodgings was found a pocket-book, in the inside of which was the prisoner's name "B. Crocker," written in his own handwriting, and in one of the pockets of the pocket-book was the note stated in the indictment, in the prisoner's handwriting, the body as well as the signature, Wm. Tucker, but the signature at first sight appearing to be in a different hand. On the back of the note was written, in the prisoner's handwriting, "Mr. Wm. Tucker, 70 *l.*" and underneath, also in the prisoner's handwriting, "one year's interest paid, 3 *l.* 10 *s.* B. Crocker." The note was on the proper stamp for a promissory note of that value. In the same pocket-book was found, at the same time, another promissory note for 100 *l.* payable to the prisoner or order, signed Wm. Gapper, which was proved not to be Gapper's handwriting, and that he never owed the prisoner 100 *l.*; on the back of this note was also written, in the prisoner's handwriting, "Mr. Wm. Gapper, sen. 100 *l.*" *Objected:* That no evidence was given of an intent to defraud. The intent to defraud must appear from something done by the party: here the instrument was never uttered; and though it might be difficult to ascertain the purpose for which it was fabricated, it would be too much to infer that the prisoner was looking for a future opportunity to make a fraudulent use of it. He had time for reflection, and perhaps he never would have uttered it. The note was payable on demand, and not being of a recent date, it would on that account be the more suspicious if he had attempted to make use of it. If the note was made at the time when it bore date, it can hardly be supposed that the prisoner would have kept it so long with intention to make a fraudulent use of it; if it was a recent fabrication, it is hardly to be supposed that the prisoner would have put so distant a date to it, had he intended to pass it away. The fair inference therefore is, that the prisoner had no intent to defraud. *Answer:* The forgery of the note was clearly proved, and it can hardly be contended that if it were forged with a criminal intent, but never uttered, it is not an offence within the statute. It must either be said, that the note never having been uttered, no offence was committed, or that uttering is the only evidence from which the intent to defraud can be inferred. That

(*a*) Professor Hume observes, that by the law of Scotland the crime of forgery is not complete by the fabrication of the writing, unless it is also uttered, or put to use. If when fabricated it is kept lying with the artist unemployed, and is only brought to light by some accident (in the course, perhaps, of a search for some other writing) the evidence is wanting, though such a discovery must excite suspicion, of the fraudulent and felonious purpose of the fabrication: wherein lies the essence of the crime. Or grant that evidence were even recovered to that effect, as by the panel's own letters, bearing his intention to utter the false writing at such a time and place, still it is no more than a bare purpose, just as in the case

a person may be convicted for forging an instrument which he never utters is decided by Elliott's case, (East P. C. 951,) where it was expressly stated, that the fact of the forgery was brought home to the prisoner though the note was never published, it having been found in his possession at the time he was seized; yet no objection was taken to the conviction on that ground, there being circumstances sufficient to warrant the jury in finding a fraudulent intention. So here, the body of the note and the signature were apparently of different handwritings, yet both written by the prisoner. The prisoner went by a false name in Wiltshire. The indorsement was not true. The instrument had the proper stamp, which would not have been put to it if it had not been intended to be used; and another forged note was found in the prisoner's possession. *Held*, by the judge at the trial, that whether the note was made innocently or without an intent to defraud Wm. Tucker, was for the consideration of the jury, and to be collected from the facts proved. On the question being reserved for the opinion of the twelve judges, no opinion was given. Rex *v.* Crocker, 2 N. R. 87; Leach, 987; cor. Le Blanc, J. at Salisbury Sum. Ass. 1805.

(3) Supra, pl. 1299.

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case of a libel composed, but not published, or an incendiary letter written, but not despatched; and of which it is not yet too late to repent, while no attempt has followed on it to the prejudice of a neighbour. It is therefore the act of uttering which first brings the crime to such a shape and consummation as give the magistrate a title to inquire into it. Till then it is mere wickedness of heart, for which the offender answers not in any human tribunal.

It is true, that by the common style of an indictment for this crime, the forging, and the uttering or vending of the deed are severally charged, and a relevancy is sought on either. But this form of a libel, which is of modern introduction, is meant to meet the case of a verdict being found as for the uttering only, without mention of the fabrication; and the charge of forgery in such a libel is not to be understood of the naked fabrication, as in contradistinction to the uttering, but on the contrary as in connection with that act, which is a necessary ingredient of the crime, and is implied in the term forgery, wherever it is used. In the case, accordingly, of David Reid, in 1780, where this alternative sort of charge had been used, the objection taken to it was repelled, and the libel was sent to an assize.

In truth it is not as fabricator only, but as presumptively accessory to the uttering, which completes the crime, that the maker of the false writing is punished when the evidence does not specially fasten on him the act of vending also. Having been executed by him, and being under his power, the writing cannot well or in ordinary cases pass out of his hands, or be uttered, without his privity or concurrence: and for this reason, even where another person appears to be the vendor, it shall still be presumed against the fabricator, and need not be precisely proved on the prosecutor's part (at least, with the aid of ever so little intercourse between the two, it shall be presumed) that they were leagued in the adventure, and had each of them his separate province, with the consent of the other. If the fabricator deny this, it rather lies with him, who will not be presumed to have fabricated for his amusement, to specify and prove the manner wherein the writing passed from him without his will; as by being withdrawn from his repositories, or lost with his pocket-book, or the like.

With respect, he continues, to what shall be accounted an uttering of the false document: The great danger of this crime has established a rigorous construction against the panel. Not only is it no obstacle, that the money or other thing procured by the forgery has been refunded to the private party, so that no one ultimately suffers; it is not even material that the writing should ever pass, or the imposition for a moment take effect. He has published the false writing for genuine, and his crime of *forgery* is complete as soon as he has produced or employed it *towards* the prejudice of another; whereby not only is his felonious intention disclosed, but instead of being under his power as before, the false deed is imparted to and claimed on against a stranger; and the last step is taken that depends on him to accomplish the intended deception.

In the case of Bell and Mortimer in 1800, the libel charged, inter alia, that Bell delivered one of the forged notes, which was very particularly described, to his associate Young, that he might vend it; and that Young accordingly did so. The assize found Bell guilty of "fraudulently and feloniously using, uttering and vending" the aforesaid note, which the verdict describes by the marks mentioned in the libel, but without any specification of the *mode* of uttering as through Young. An objection was stated to the sufficiency of this verdict, and its application to the libel; but at advising, the bench were of opinion (beside a separate answer which avoided any such inquiry) that Young was to be considered as a hand through which Bell uttered the note; so that Bell was substantially art and part of the vending by Young. Bell had sentence of death accordingly.

Some of the opinions on the bench are said to have gone even to this position, that it is a capital *uttering* to vend a forged note at discount, or under value, to a person who knows it to be forged, and for the purpose of being sent into circulation, though the buyer do not afterwards attempt to pass the note as genuine to a stranger.

The same opinion is *said* to have been delivered by some of the judges in the trial of Richard Mendham in 1800, and by one of the judges in the second trial of the same person in 1804. But it does not appear that any judgment was or could properly be pronounced to that effect on either of those occasions; as indeed in the latter trial, the charge at common law was passed from before debate.

On the other hand, there cannot properly be cited, in support of the opposite opinion, the judgment in the case of John Macfarlane in 1810, which dismissed as irrelevant the libel raised against him for the vending of false coin. The ground of that judgment was, that the libel was illogically drawn; inasmuch as the crime set forth in the major proposition was described in terms which, according to their settled construction, import the passing of the false money *as genuine*; and, instead of corresponding to that outset, the minor proposition related sundry acts of vending the false pieces to an associate *as false*, and for a price much under their nominal value.

1427. As to the reason: if we allow that any step towards effectuating a guilty intention is criminal, the reason is plain; or, denying that doctrine, if

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This nice and interesting question has, however, at length received a deliberate judgment of the whole court in the case of John Horne in 1814. This man's indictment was laid on the common law only; and it bore in the major proposition, beside the crimes of forgery of bank-notes and uttering them as genuine, that of "feloniously delivering, vending, or disposing of any such forged or counterfeited notes or obligations, *as forged or counterfeited, for a valuable consideration less than the nominal value thereof*, and for the fraudulent and felonious purpose of the same being used, uttered or vended as genuine." And in reference to that article it was subsumed in the minor proposition, that the panel did "feloniously deliver, vend or dispose of, to the said David Johnston, four of the said forged or counterfeited notes (being *one-pound* notes) in exchange for *five shillings each*, or other valuable consideration less than the nominal value thereof, and for the fraudulent and felonious purpose of the same being used, uttered or vended as genuine."

The case was advised on informations; and it was the unanimous judgment of the court, that such an act of vending does not indeed amount to the capital crime of *forgery*, but that it is however a criminal act, or point of dittay, and relevant to infer an arbitrary punishment of high degree.

In support of the former of these positions, it was observed by Lord Meadowbank, that here no deception or attempt at deception has been practised; and there is thus wanting the main character of the capital crime of forgery, namely, the *daring* and adventurous act, which only the thorough offender is equal to, of attempting to pass the forged document as genuine. The distribution or the sale of the notes among the socii, does indeed indicate a great progress in the preparation for the crime of uttering, and shews a deliberate resolution, not likely to be abandoned; yet still it is not even such an approach to the actual uttering as can be accounted the actus proximus, like the drawing of the trigger, or the placing of the kindled match at a mine for an explosion. It is rather of the nature of a more remote preparation, like the placing of a dagger in the hand of an emissary, or the furnishing him with the poison, or storing the mine with powder.

It is true there is here an overt act, clearly indicative of the dole or criminal intent of fabricating the note; and it is also true, that the criminality of any deed lies in the intention of the actor. But that the wicked purpose has by some act been brought to light, does not *complete* the crime, or involve in the *guilt* of it, unless the mischief itself that was intended has been done, how near soever the attempt has been carried to its issue. Such is the wise order of our nature, on which our common law founds its general rules, and makes its arrangements of crimes, that even in the case of a conatus proximus, such as the firing of a pistol at a fellow-creature, yet still, if by any accident the attempt is disappointed, the offender is not the same object of abhorrence to others, or even to himself, as where death has ensued. He rather congratulates himself on escaping the guilt of blood; and the resentment of the public and the party threatened corresponds to those feelings of his, and assigns to his act a lower place in the scale of crimes.

A base and criminal purpose, though revealed by some overt act, is not therefore sufficient to complete the crime of forgery. That evil character is in many instances sufficiently impressed on the mere act of fabricating and throwing off the notes, which is often very operose, and yet has never been reckoned a capital offence. The same character is still more evident where the fabrication is carried on by a numerous confederacy of persons, who unite their skill and talents; and who, besides bestowing much time, pains and ingenuity, have to provide for the subsistence in the mean time of all concerned, and have to settle and distribute in one way or another, among the several socii, their respective shares in the charges and the profits of the common adventure. And yet this long series of deliberate and combined acts is not forgery. Why then should it be so to vend the notes to an associate for a price? This, it is true, extends the means or machinery for uttering, and so far it is prejudicial to the public; but it is not a material advancement, or a necessary step towards the actual uttering (since the notes might as well be issued without it); neither does it bestow on the buyer any new power or higher facility of uttering than the vendor had before, or a different power from what the several socii would have in case of the distribution of the finished notes among them, or the delivery of so many of them to a socius in remuneration of his service in the business. The sale of the notes is in short just the admitting of the buyer into a limited share of the adventure for a price; but it is no act of *perpetration* of the crime. No innocent person is injured or attempted to be injured by such a transaction; and many young and less practised offenders will venture to deal in this safer and more remote traffic, who who would shrink from the risk of attempting to pass the notes as genuine in the market.

It was next observed, that preparations to commit crimes may, however, be of so determined a character, may be conducted on so great a scale, be accompanied with such unfavourable circumstances of perseverance and otherwise, be brought to such a state of maturity, and be revealed by overt acts, productive of such alarm and distress to those concerned, as makes them just and competent objects of criminal prosecution. Such, for instance, would have been the case of the gunpowder plot at common law, and though the statute of Edward had not been enacted, which, indeed, is in that respect grounded on the common law; and this, on account of the prodigious extent of the projected mischief, and the dreadful alarm of so deep and so mature an attempt, which threatened the general weal, and shook the security of the state. Under the same rule would fall the case, though inferior in wickedness, of the like conspiracy against an individual, by storing the cellars of his house with gunpowder to destroy him and his family, or even to burn his house and effects. Though the match has never been laid or kindled, yet still such an attempt alarms and distresses the individuals who are the objects of it, and disturbs the peace even of the society to which they belong.

Now, if so, must not the like judgment be given as to the establishment of an extensive manufactory of

we consider those actions as criminal which in their very nature are pregnant with mischief, it is equally obvious; but denying this likewise, and maintaining for crimes those actions only which actually produce injury, it would be difficult to give a reason.

1428. But since in forgery (unlike the crime of libel), the boundaries between vice and virtue are distinctly marked, no inconvenience can result from the rule.

1429. As the crime is complete without publishing the writing, still more without accomplishing the fraud. Rex *v.* Ward, Str. 747; Ld. Raym. 1461. Supra. pl. 1284.

Nor need the end be accomplished.

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of forged notes, to inundate the circulation of the country. If the nature of the preparation is such, as by the numbers engaged in it, the labour, talents, and machinery employed, the great progress made, and the serious risk of detection run, indicates a decided resolution, and a bold and persevering temper, this is a dangerous and a criminal state of preparation, not likely to be abandoned by the adventurer, and fit not only to be interrupted by seizure of the machinery and materials, but to be chastised by punishment of those concerned; whose proceedings, when detected, occasion serious alarm to the banks or bankers thus threatened, and even to the public at large.

The case even of a solitary adventurer might be subject to the same construction: If, for instance, by the exertion of extraordinary talents, seconded by no less uncommon perseverance, he has at length succeeded in constructing a machine, which is capable rapidly to execute, and to the greatest perfection, the whole work of a forged note, subscriptions and all; so as with facility to throw off thousands of them in a day, and send them into the market in a state hardly to be distinguished from the genuine notes; such an invention, if it were to happen, would be the subject of infinite apprehension to the public, who are threatened with such a contamination of the circulating medium; and considering the maturity and other circumstances of the preparation, it would be a just and suitable cause for punishing the inventor.

According to these premises, the same law is, à fortiori, good for the case of an extensive scheme or brotherhood, for the uttering of forged bank-notes, by the distribution of them to accomplices and inferior agents, who shall dispose of them in all quarters of the country. Such an act is to be distinguished from the inferior and remote preparations of making the paper, engraving the plate, and the like. These do not indicate the same *daring* energy of disposition in the artist; and many things may intervene to impede him in, or to deter or withdraw him from, his evil purpose, while it has not yet assumed a shape or consistency to alarm the lieges. But the distribution of the notes to the several adventurers is the preparation, by overt acts, of the immediate means of uttering the false and complete documents, and sending a flood of them into the market. As important steps of a deep and an advanced conspiracy against the safety of trade, such arrangements, when detected, must occasion uneasiness to the lieges at large, as well as to the bankers practised against; and they are therefore the fit subjects of cognizance to the criminal judge.

The great difficulty is, the want of precedent for the punishment of such preparations. But it must be considered, that it is only in an advanced state of society and commercial intercourse that such modes of guilt can be practised, or the evil of them be experienced by the public. When that season arrives, as it seems now to have done in this country, judges cannot, consistently with their duty, decline to apply the powers of punishment intrusted to them, in any case where they find that the preparation is marked with the proper characters of crime; namely, turpitude of contrivance, and boldness of temper in the degree of advancement made towards perpetration.

That judges have to exercise their own intelligence with respect to offences of this description, instead of being governed by precise statutes enacted for them, is indeed to be regretted; for certainly, according to the great diversity of particular circumstances a very various scale of guilt is attached to them, yet distinguished by nice, and sometimes almost imperceptible gradations. But for this there is no help. The court must do their duty in the best way they can; leaning always to the side of mercy, and admitting as points of dittay those acts only of preparation which occasion alarm, and are attended with serious danger; and carefully observing never to confound the guilt of a preparation, or conatus, with that of the *perpetrated* crime.

In addition to these remarks, some of the other judges insisted on the circumstance of the *vending* being a *traffic* in forged documents; a *dealing* in them for profit, and for the precise purpose of their being afterwards uttered as genuine, the only purpose for which any one would buy them. By the vending and delivery of the notes, they were put out of the power of the vendor to recall; and they were sent into a sure course to be immediately uttered, as being put into the hands of a person who had paid for them, and was thus under a strong temptation to dispose of them for profit. By the vending, the *destination* of the notes was fixed, and a near advancement made towards sending them as genuine into the market; and a special character was thus impressed upon the act, and one which was very material to the charge. In itself, such a *dealing* was a criminal act, and one of a dangerous as well as of a base nature, as engaging numbers of inferior and ignorant people in the trade of uttering.

An interlocutor was pronounced, finding the libel relevant to infer the pains of law, so far as it charged forgery, or the uttering of the notes as *genuine*; and relevant to infer *an arbitrary punishment*, "so far as it charges the delivering, vending, or disposing of forged notes, *as forged or counterfeited*, for a valuable consideration, though less than the nominal value thereof, for the fraudulent and felonious purpose of the said forged notes being used, uttered or vended as genuine."

1430. The circumstance, therefore, that no person has actually been a loser, or that the forger himself has gained nothing, is immaterial. Rex *v.* Savage, Sty. 12 (1). Rex *v.* Ward, Ld. Raym. 1466 (2). Rex *v.* Goate, Ld. Raym. 737 (3).

(1) Indictment for forging and publishing letters of credence to gather money. *Objected*, that it did not appear whether he received any money by virtue of these counterfeit letters, nor at what time. *Decision:* The substance of the offence for which he was indicted was, the forging and publishing of the letters, and not the collecting of the money; for though he had not collected a penny, yet the indictment was good. Rex *v.* Savage, Sty. 12; B. R. East. 23 Car. 1.

(2) Supra, pl. 1284. (3) Supra, pl. 1286.

1431. And, therefore, "if a man forge a false deed, in which the estate of J. S. is mentioned to be conveyed to J. N., though J. S. be not damnified by it, yet it is crimen falsi, and punishable by reason of the tendency that it had to have defrauded him." Per Holt, C. J. delivering the judgment of K. B. in Rex *v.* Knight, Ld. Raym. 527.

Supra, pl. 1283.

SECTION XIII.

Of the Accomplishment of the Intention by the Statute Law.

1432. Where a forger delivers the instrument to his servant in the county of A., to carry to an inn in the county of B., to be sent by a carrier to an innocent vendee in a third county; the offence of uttering is complete by delivery to the carrier, and the indictment, therefore, properly laid in B. Rex *v.* Collicott, Leach, 1048; 4 Taunt. 300.

Indictment on the 44 Geo. 3. c. 98, for forging and uttering medicine stamps; venue London. *Case:* The prisoner kept a medicine warehouse in Oxford-street, in the county of Middlesex, and on the 1st Nov. 1811, he made up a package of patent medicines, some in boxes and others in bottles, but all of them with these counterfeit stamps pasted on the outside of each; and after directing it to "Messrs. Wood and Cunningham at Bath," from whom he had previously received an order so to do, he gave it to his porter to carry to the Castle and Falcon Inn, in Aldersgate-street, in the city of London, in order that it might be conveyed by Rogers's waggon to Wood and Cunningham, the innocent vendees at Bath, and which the porter delivered at that inn accordingly. *Question:* Whether the offence was properly laid to be in London, the prisoner's house being in Middlesex, where he had delivered the goods to his porter to be carried to the inn in London, in order to be sent by a carrier to Wood and Cunningham at Bath. The judges differed in opinion, although the majority held the offence complete in London. No sentence having been passed, the prisoner was tried again at the Old Bailey for vending similar stamps to a medicine vendor under the Royal Exchange. Rex *v.* Collicott, Leach, 1048; 4 Taunt. 300; cor. Le Blanc. J.; O. B. Jan. 1812; O. B. Feb. 1812.

8 H. 6. c. 12. 1433. To bring an avoidance within the 8 H. 6. c. 12. the judgment need not be actually reversed; if reversible, it is sufficient: since as the expression—by reason whereof any judgment shall be rexersed, is applied to the act of removing as well as avoiding a record, it cannot be taken in its usual acceptation, but in the more general sense—whereby any judgment shall lose its effect. 1 Hale, 650 (1); 1 Hawk. c. 45. s. 5 (2).

(1) Lord Hale's words are, If the judgment be not actually reversed by such embezzling, &c. yet if it be reversible by reason thereof, it is within this statute. 1 Hale, 650.

(2) The words of Hawkins are, Not only such an alteration whereby a judgment is actually reversed, but also such whereby it is reversible, whether it were made before or after the judgment was given, or whether it be or be not afterwards amended by the court, is within this act; for those words in the statute, *whereby any judgment shall be reversed*, are taken to have the same purport as if it were said, whereby any judgment shall be annulled, or lose its force or effect; for it is plain that the statute cannot intend that the judgment must be actually reversed by writ of error, because it speaks of stealing, or carrying away, or avoiding of records, which makes it impossible that the judgment should be reversed at all, because no writ of error can remove a judgment which appears not. 1 Hawk. c. 45. s. 5.

SECTION XIV.

Of Degrees of Guilt; *Parties to the Crime*; *and Means of Preventing the Crime, at Common Law.*

1434. FORGERY is, at common law, a Misdemeanor only. But many of its species have, by various statutes, been raised to the degree of Felony. DEGREES OF GUILT.

1435. Since forgery, unlike a breach of duty, does not depend upon any peculiar relation, it follows, that every person, whatever be his circumstances, may, at common law, be the criminal. PARTIES TO THE CRIME.

1436. At common law, too, all who participate are principals: its degree, at common law, being that of misdemeanor. Bothe's case, Moore, 666. Accessaries.

Bothe fuit arraigne de felony p. u. seco'd forgery ap's convicc'on d'un prim. forgery in Camera Stellata, sur le stat. de 5 Eliz. des writings concernant les terres de Sir Tho. Gresham. Resolve per le court, que nul accessory poit e'e en forgery, mes touts sont principals. Bothe's case, Moore, 666; Mich. 44 & 45 Eliz.

1437. What, therefore, in felony makes a man accessary before the fact, makes him, at common law, a principal in forgery.

1438. But that an assent may criminate, it must be antecedent or concomitant, not subsequent. 1 Hale, 684.

Lord Hale's words are, An assent after the fact committed makes not the party assenting guilty, or principal in the forging; but it must be a precedent or concomitant assent. 1 Hale, 684.

1439. As in other misdemeanors, so in this, the common-law punishment now is, fine, imprisonment, and such other corporal punishment (excepting the pillory (*a*) as the court may direct. MEANS OF PREVENTING THE CRIME

1440. And the consequences of judgment are, first, incapacity to be a witness.

1441. Though, (as not resulting from the statute law), the king's pardon will restore the competency.

1442. Secondly, incapacity to practise as an attorney, solicitor, or law-agent, 12 G. 1. c. 29.

1443. On pain of seven years transportation, 12 G. 1. c. 29.

1444. Which second incapacity, (as resulting from the statute law), the king, by his pardon, cannot remove.

SECTION XV.

Of Degrees of Guilt; *Parties to the Crime; and Means of Preventing the Crime, by the Statute Law.*

1445. FORGERY, when a felony, admits of accessaries (*b*): since where a felony is created by statute, the common-law incidents attach. Rex *v.* Soares, East P. C. c. 19. s. 52 (1). Vide Rex *v.* Morris, Leach, 1096 (2). Vide 3 Inst. 72 (3).

(1) Infra, pl. 1446. (2) Supra, pl. (3) Infra, pl. 1449.

(*a*) By 56 G. 3. c. 138. s. 1, no person shall be adjudged to "stand in or upon the pillory," except for perjury or false affirmation.

(*b*) Sir Edward Coke, commenting upon the words "or subtilly cause or wittingly assent, in 5 Eliz. c. 14," observes, that—To cause, is to procure or counsell one to forge, &c. To assent, is to give his assent or agreement afterwards to the procurement or counsell of another. To consent, is to agree at the time of the procurement or counsell, and he, in law, is a procurer. 3 Inst. 169. But, says Sir Edward East, this must be understood of an assent to the design of forging before the fact of the forgery committed; for according to Lord Hale, an assent afterwards makes not the party guilty or principal in the forgery; but it must be a precedent or concomitant assent. East P. C. c. 19. s. 52.

1446. The contrivers, therefore, of a forgery, not present at the consummation, must be charged as accessaries, not principals. Rex *v.* Soares, East P. C. c. 19. s. 52.

Indictment against Soares, Atkinson and Brighton, for forging and publishing a bank-note. *Case:* Brighton offered the note in question in payment for a pair of gaiters at the shop of one Newland at Gosport. The other two prisoners, Soares and Atkinson, were not with Brighton at the time he so offered the note in payment, nor were they at the time in Gosport, but both of them were waiting at Portsmouth till Brighton should return to them; it having been previously concerted between the three prisoners, that Brighton should go over the water from Portsmouth to Gosport for the purpose of passing the note; and when he had passed it, should return to join the other two prisoners at Portsmouth; they all three knowing that it was a forged note, and having been concerned together in putting off another note of the same sort, and in sharing among them the produce. *Objected*, that, on the above evidence, they were not guilty as charged by this indictment, not being present at the time the other prisoner uttered the note, nor so near as to be able to aid and assist him: that they could be charged only as accessaries before the fact. The jury found that the forged note was uttered by Brighton by concert with the other prisoners, and found them all three guilty. *Held*, by the twelve judges, that Soares and Atkinson were entitled to an acquittal on this indictment, charging them as principals, they not being present at the time of the uttering. Rex *v.* Soares, Atkinson and Brighton, East P. C. c. 19. s. 52.; cor. Le Blanc, J. at Winchester Spring Ass. 1802.

1447. So, likewise, those who are present, not actually, but constructively. Anon. 1 Stark. C. P. 80. in notis.

At the Old Bailey Sessions, June 1813, upon the trial of Brady and others for forging and uttering a check, Mr. Baron Graham said, "It has frequently been held, that what would amount to a constructive presence at common law, will not be sufficient upon an indictment under a statute. A case under this statute occurred before me at Derby. Two persons went in concert to utter a forged note; one went into a shop to utter it, whilst the other remained at *some little distance in the street*; it was objected, that the latter was not liable as a principal. I saved the point, and the judges were of opinion that the utterer only was liable." Anon. 1 Stark. Crim. Pl. 80. in notes.

Parties.

1448. Judges are not within the term "other person" in the statute: principally, it should seem, from clerks, who are of inferior degree, being named first, and from a statute in pari materiâ, that of the 8 R. 2. c. 4, having designated them along with clerks; to remedy the consequences of which designation, that of Hen. 6. was partly made. 3 Inst. 72 (1); 1 Hale, 649 (2); 1 Hawk. P. C. c. 45. s. 4 (3).

(1) To the words, *by any clerk or by other person*, Lord Coke subjoins: This act doth not extend to any judge of the court; both because it beginneth with a clerk, &c.; and for that by the statute of 8 R. 2, a penalty is inflicted upon a judge, &c. for making any false entry, rasing any roll, or changing any verdict. See the statute: for it extendeth also to clerks.

(2) Supra, pl. 1092.

(3) Hawkins observes, This act extends not to such offence by the judges of any court; for whereas it begins with expressly naming clerks which are inferior to them, it shall not be intended to include them under the general words following. 1 Hawk. c. 45. s. 4.

1449. The 8 H. 6. c. 12, extends by express words to accessaries before the fact; but makes no mention of accessaries after; yet, for the reasons already given, they are within the statute. 3 Inst. 72, 73 (1); 1 Hawk. c. 45. s. 72 (2).

(1) To the words, *that such stealer, taker away, &c. their procurers, counsellers and abettors*, Lord Coke subjoins: This act expressly extendeth to accessaries before, and leaveth accessaries after to the construction of law; yet may there be accessaries after the fact: for whensoever an offence is made a felony by act of parliament, there shall be accessaries to it both before and after, as if it had been a felony by the common law; and therefore, though this act expresseth accessaries before, yet it taketh not away accessaries after, but leaveth them to the law, contrary to the opinon of Justice Stanford. (Pl. Cor. 44 b.) 3 Inst. 72, 73.

(2) Hawkins observes, The act, by making those who are accessory before the fact principal felons,

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Sir Edward East observes, that the words of the stat. 5 Eliz. are *cause or assent to:* those of most of the subsequent statutes are *cause or procure*, or *act or assist in*, or *aid or assist in:* that the legislature seem to have varied the expression in describing accessaries before, and aiders and abettors at the fact. East P. C. c. 19. s. 52.

Sir Edward East observes, In forgery, it is laid down generally in the books, that all are principals; and that whatever would make a man accessary before in felony, will make him a principal in forgery. But this must, I think, be understood of forgery at common law, and where it is considered only as a misdemeanor. For though Bothe's case (supra, pl. 1436), where it was so resolved, was an indictment for felony for the second offence upon the stat. 5 Eliz., yet that was not the principal point in judgment. Nor indeed does it appear how the question arose there, as none other than the prisoner appears to have been indicted. Therefore there seems no reason for taking this case out of the general rule, that when a statute makes a new felony, it incidentally and necessarily draws after it all the concomitants of felony, namely, accessaries before and after. This reason seems to be confirmed by the case of Rex *v.* Soares, Atkinson and Brighton, cor. Le Blanc, J., Winchester Spring Ass. 1802; East P. C. c. 19. s. 52.

does not mean any way to favour those who are accessory after, but to leave them to the general construction of the law. 1 Hawk. c. 45. s. 7.

1450. The offender is entitled to his clergy. 3 Inst. 73.

Lord Coke's words are, And albeit this kind of felony is an heinous offence, yet may the offenders therein have their clergy. For until the reign of Henry the Seventh (that we may note it once for all), the benefit of clergy was not taken away by any act of parliament in case of felony. As for the statute of bigamies made in 4 E. 1. it was but an exposition and allowance of the constitution made at the general councell at Lyons concerning the same, as before hath been said. But (as we remember) the first statute making a new felony that took away the benefit of clergy, was the statute of 7 H. 7. concerning soldiers. (7 H. 7. c. 1.) 3 Inst. 73.

1451. A second offence of a different description to the first, is within the 7th section of the 5th Eliz. c. 14: since the words "any of the said offences," embrace the whole without distinction, nor by any rule of construction can be limited to an offence of the same nature as the first. 3 Inst. 172 (1); 1 Hale, 686 (2).

5 Eliz. c. 14. s. 7. Second offence of a different kind.

(1) Infra, pl. 1452. (2) Infra, pl. 1452.

1452. Hence, one who, having been convicted of publishing the forged deed of another, afterwards forges a deed himself, is within the 7th section. 3 Inst. 172 (1); 1 Hale, 686 (2).

(1) To the words, *being hereafter convicted or condemned of any of the offences aforesaid, shall, &c. eftsoons commit, &c. any of the said offences*, Lord Coke subjoins: Here be four kind of offences: the first concerning molestation, &c. of freehold and inheritance; secondly, the publication of the same, knowing, &c.; the third, concerning a term for years, annuities, and demands personals; fourthly, the publication thereof. Now the question upon this branch concerning felony was, that whereas Roger Booth was convicted in the Star Chamber for the publishing of the forged grant by deed of a rent-charge of 100*l.* per annum; afterwards the said Roger and others were charged in the Star Chamber with the forging of a deed of feoffment in the name of Sir Thomas Gresham, bearing date 20 Eliz., but forged long after: whether this second forgery was felony, or no, within this branch; and the doubt did arise upon the words "*eftsoons* commit any of the said offences." And it was objected, that by reason of this word *eftsoons* (iterum) the second offence must be of the same nature as the first offence was; as the first offence being for publication of a forged deed, &c. the second offence must be for the publication of another forged deed, &c. and upon that branch whereupon the first offence was grounded, or else, it was said, it was not iterum, which word was in signification quasi iter unum, that is to say, per idem iter, and it is so taken for the second time. Primo quidem decipi, incommodum est, iterum stultum, tertio turpe (Cic. lib. 1. de Invent.): which doubt was referred to the considerations of the two chief justices, and chief baron, who upon hearing of councell learned of both sides, and upon conference and consideration had of this act, resolved, that the second offence was felony within the words and meaning of this act; for the words be expressly, being condemned of any of the said offences, eftsoons commit any of the said offences. So as by reason of these words, any of the said offences, this word *eftsoons* is well satisfied if he commit the second time any of them; and so these words, any of the said offences, extend to any of the said four offences before mentioned. And it was also resolved by them, that by reason of this word *eftsoons*, the second forgery, &c. must be committed after the first conviction, or else it is no felony. 3 Inst. 172, citing Sir William Reade *v.* Roger Booth and others, Cam. Stell. East. 7 Jac. 1; 13 Rep. 34.

(2) Lord Hale's words are, If A. publisheth a false deed knowingly, and be convict upon this statute for this offence, and after such conviction forges a deed, this is a second offence, and felony within this statute, though the publishing be prohibited by one clause, and the forging by another; adjudged P. 7 Jac. B. R. Booth's case, Co. P. C. 172; for the words are, if he commit *any* of the said offences the second time. And so if he be convict of forgery, the publication of a forged deed afterwards knowingly is felony, or if he be first convict of the forgery of a court-roll, and after that forges an obligation or acquittance; for the second offence in any of the forgeries or publications is felony, though it be of a different kind, if the first or second offence be within the statute. 1 Hale, 686.

1453. Or vice versâ. 1 Hale, 686.

Supra, pl. 1452.

1454. Or who, having been convicted of forging one species of instrument, afterwards forges another. 1 Hale, 686.

Supra pl. 1452.

1455. Thus, forges an obligation or acquittance, after a conviction for forging a court-roll. 1 Hale, 686.

Supra, pl. 1452.

1456. The expression in the 7th section is "convicted or condemned;" which term "convicted" is taken to mean a conviction, not by verdict, but by judgment only. 3 Inst. 172 (1); 1 Hale, 686.

(1) Supra, pl. 1452.

(2) Lord Hale's words are, There must be a conviction of a first offence before the second offence be committed, otherwise the second offence is not felony; and therefore if, before conviction of forgery,

A. commits a first and a second offence, this second offence is not felony within this statute. And by conviction, I conceive, is intended, not barely a conviction by verdict, where no judgment is given, but it must be a conviction by judgment. 1 Hale, 685, 686.

27 G. 3. c. 13. s. 38.

1457. The 27 G. 3. c. 13. s. 38, extends pains and penalties made for securing the revenue of excise or other duties under the management of the commissioners of excise, to the several "*duties of excise*" thereby charged; and duties on foreign muslins printed here are denominated, not duties of excise, but "*duties under the management of the commissioners of excise.*" The 38th section is applicable to these duties: since even admitting that "duties of excise" and "duties under the management of the commissioners of excise," signify in the abstract different things; yet adverting to schedule F. of the statute, it appears that in this respect the expressions are used as synonymous, for the duties on muslins are there denominated "duties of excise." Rex *v.* Hall, East P. C. c. 19. s. 19.

Indictment for forging a stamp on foreign muslins printed here. *Objected,* that the offence was originally created by 25 G. 3. c. 72. s. 17, by which the duties, for the securing whereof the stamps were provided, were imposed; that by 27 G. 3. c. 13. s. 35, all the former duties are repealed, except duties due, and penalties and forfeitures incurred, at the time of passing that act; and therefore it was argued that all penalties were annihilated unless re-enacted; that this, as well as all preceding statutes, took a distinction between *duties of excise* and *duties under the management of the commissioners of excise*; according to what was observed by Mr. Justice Ashhurst in Rex *v.* Justices of Surrey, 2 T. R. 504. That section 38, of the latter statute states, that "all pains, penalties, fines and forfeitures of any nature or kind whatsoever, as well pains of death as others, for any offence in force before 10th May 1787, made for securing the revenue of excise or other duties under the management of the commissioners of excise, &c. shall extend to, and be applied for, and in respect of the several *duties of excise*, and allowances, bounties and drawbacks of duties of excise thereby charged and allowed;" that therefore those penalties and pains of death being re-enacted only so far as they relate to *duties of excise*, and not to duties or sums *under the management of the commissioners of excise* (which was the case with respect to the duty in question), they could not be revived by construction, but being so highly penal must be specially re-enacted. *Held,* by ten judges (absent two) that the objection was untenable. Eyre, C. J. thought, that the naming of *duties of excise* and *duties under the management of the commissioners of excise*, was tautology. But all held it clear, that the expressions were used as synonymous in this act; adverting to schedule F. in which the duties on muslins are denominated "duties of excise." Rex *v.* Hall, East P. C. c. 19. s. 19; O. B. 1795.

SECTION XVI.

Of the Procedure, as well at Common Law, as under the Statutes; and First, of the Jurisdiction.

1458. JUSTICES of the peace have no jurisdiction over the common-law crime of forgery. Salk. 406.

Hawkins upon the question, what authority justices of peace have in relation to inferior offences, says, It would be endless to enumerate all the offences within their jurisdiction, concerning which there have been such great numbers of statutes; and therefore I shall content myself in this place with observing that by 34 Edw. 3. c. 1, and also by the express words of their commission, they are empowered to hear and determine all trespasses, which is a word of a very general extent, and in a large sense not only comprehends all inferior offences, which are properly and directly against the peace, as assaults and batteries, and such like, but also all others which are so only by construction; as all breaches of the law in general are said to be. Yet it hath been of late settled, that justices of peace have no jurisdiction over forgery or perjury at the common law; the principal reason of which resolution, as I apprehend, was, that inasmuch as the chief end of the institution of the office of these justices was for the preservation of the peace against personal wrongs and open violence; and the word trespass, in its most proper and natural sense, is taken for such kind of injuries, it shall be understood in that sense only in the said statute and commission, or at the most to extend to such other offences only as have a direct and immediate tendency to cause such breaches of the peace; as libels, and such like; which on this account have been adjudged indictable before justices of peace. 2 Hawk. c. 8. s. 38.

Jurisdiction of courts.

1459. Though the Common Pleas, unlike the King's Bench, have no inherent power to take indictments, yet the statute 8 H. 6. c. 12. s. 3. has given it to them in the particular offence which it denounces. 1 Hale, 651.

Lord Hale's words are, This power is to hear and determine; the consequence whereof is, that it enables these respective courts (K. B. and C. B.) to take indictments of these offences; this, though it be intrinsical to the court of King's Bench (for they swear a grand inquest and take indictments every term), yet it is a new power in the Common Bench. 1 Hale, 651.

1460. And it seems that the Common Pleas may determine offences against the records of the King's Bench, as warranted by the words of the act. 1 Hale, 651.

Lord Hale's words are, The judges of the court of the one bench and the other are, by this statute, enabled to hear and determine it without any other commission; and each of these courts have a concurrent jurisdiction; and where it first begins there it is to proceed. So that it seemeth if the offence were in the record of the King's Bench, the justices of the Common Bench may hear and determine the offence, if it be there first indicted. 1 Hale, 651.

1461. The grand jury may be of clerks alone, or of foreigners alone, or of both: since it is only the *trial* that, by the act, is to be by a party jury. 1 Hale, 651.

Jury, how constituted.

Lord Hale's words are, Although the trial of the offence is to be by a party jury of clerks and others, yet the indictment may be taken either of clerks alone, or of foreigners alone, or of both; for it is only the trial that is to be by a party jury. 1 Hale, 651.

1462. "If the offence be entirely committed in the county where the King's Bench or Common Pleas sit, it may be tried, heard, and determined by either court, without a special commission: for the act of parliament is a commission." Rex *v.* Danby, 2 R. 3. 10; 1 Hale, 652.

Special commission, and place of trial.

The words of Lord Hale.

1463. "If it be committed entirely in a foreign county, or be committed in the county where the court sits, and then the court remove into another county, it must be heard and determined in the county where the fact was committed, and cannot be indicted, heard, or determined in another county than where it is done." 2 R. 3. 10; 1 Hale, 652.

The words of Lord Hale.

1464. "In that case, therefore, there must be a special commission to the justices of the one court, or to the justices of the other, to hear and determine the offence in that other county; and then they may there take the indictment, and try the offender by a party jury according to the act." 2 R. 3. 10; 1 Hale, 652.

The words of Lord Hale.

1465. "But it seems, if the indictment be taken by virtue of such commission, it may be removed into the King's Bench by certiorari, if indicted before them, and then tried according to the direction of the act." 2 R. 3. 10; 1 Hale, 652.

The words of Lord Hale.

1466. "If the offence were committed in London, where, by privilege and charter of the city, the mayor is to be one in commission, and of the quorum; yet in this case the mayor must not be named in the commission, but only the justices of the courts." 2 R. 3. 10; 1 Hale, 652.

The words of Lord Hale.

1467. "If the offence be mixt, and partly in Middlesex, where the court sits, and partly in London or any other foreign county, the felony is dispunishable; and so it remains at this day, notwithstanding the statute of 2 & 3 Edw. 6. c. 24. s. 6." 1 Hale, 652.

The words of Lord Hale.

1468. "But yet, in this case, the offender committing part of the offence in Middlesex, may be indicted of misprision of felony in Middlesex. Or committing part of the offence in London, may be indicted of misprision of felony in London, and therefore fined and imprisoned. For every felony includes misprision." 1 Hale, 652.

The words of Lord Hale.

1469. "And yet," subjoins Lord Hale, "observe, 1° The felony was one entire felony committed in two counties, and therefore neither inquirable nor

determinable in one county; for the jury of that county cannot take notice of part of the fact committed in another, and yet the misprision of that felony was inquirable and punishable in either county, where but part of the felony was committed, and yet the jury in that case must take notice of the entire felony, part whereof was committed in another county. 2° Although the felony itself is, by the act, limited to special jurisdiction and manner of trial, yet the misprision of that felony was tried by a common jury, and before the general commissioners of oyer and terminer in the county where the offence was committed." 1 Hale, 652, 653.

The words of Lord Hale.

SECTION XVII.

Secondly, of the Indictment and Plea.

1. *Whether the Indictment shall be at Common Law or upon the Statute.*

It is optional in the case of misdemeanor;

1470. WHERE forgery remains a misdemeanor only, the prosecutor, if he chooses, may proceed at common law.

but not in that of felony.

1471. But if made felony, he is, it should seem, confined to the statute.

1472. For the first offence, therefore, against the fifth of Elizabeth, the indictment may be either upon the statute or at common law. Rex *v.* Obrian, Str. 1144.

Indictment for publishing a forged affidavit, with intent to defraud the king; laying it as an offence at common law. *Objected*, that this not being laid to be forged by the defendant, was not an offence at common law, but he ought to have been indicted on 33 H. 8. c. 1, as for a false token. *Decision:* Since Ward's case this can never be doubted. And it has always been held, that the statute did not create a new offence, but only added a further punishment where the indictment is contra formam statuti. The 5 Eliz. c. 14, reciting the forgeries at common law, has the word *writings*, in contradistinction to deed; and it is in the election of the party, in the case of forging deeds, to lay the indictment either at common law, or upon the statute. Rex *v.* Obrian, Str. 1144; Mich. 14 G. 2.

1473. But since a second offence is made felony, he has no longer the option. Sed vide Rex *v.* Obrian, Str. 1144.

Supra, pl. 1472.

2. *Facts to be averred.*

The fraudulent intention and means used must be stated;

1474. It results from the premises, that, to the crime of forgery, a *Fraudulent Intention*, together with certain *Means* for accomplishing that Intention, are essential.

1475. And since there is no legal implication of the existence of either, the existence of each must be distinctly averred.

3. *Mode of averment.*

and positively.

1476. As in all other cases so in this, the essential facts must be charged positively. Rex *v.* Knight, Ld. Raym. 527; 1 Salk. 375; 3 Salk. 186.

Infra, pl. 1477.

1477. Nor will an averment—in defraud or in deceit of the party aimed at, aid a charge defective from being indirect. Rex *v.* Knight, Ld. Raym. 527; 1 Salk. 375; 3 Salk. 186.

Indictment for that defendant, nuper receptor, &c. did falsely indorse twenty exchequer bills, quasi receptæ essent pro custumis, &c. in deceptionem, &c. The judgment was arrested, for that nuper receptor doth not import that he was receiver at the time of the criminal act committed. Then to say falsò indorsavit quasi receptæ essent, is no direct charge of any thing which is criminal. It is true, it is said in deceptionem domini regis, but that is only matter of inference and conclusion; whereas the charge contained in every indictment ought to be so certain, that the defendant may know what answer to make, and that the court may set the fine in proportion to the offence, and likewise that if the defendant should be indicted again for the same fact, he may plead autrefoits convict. One cannot make it good but by argument or inference; and argumentative informations are ill, for that very reason, because all charges

ought to be shewn precisely in pleading. It ought to have been laid, that the defendant set the name of such a one to the bill; ubi revera no such person set his name to the bill; or ubi revera there was not any such person. Suppose that the indorsement had been, as if they had been received for customs, yet that would not have been good to lay it with an ac si. As in case of an information or indictment for forgery, it would not be good to say, that the defendant forged a false deed quasi a conveyance of such lands, but it must be continens. So in perjury, that which was sworn ought to be shewn, and not with a quasi; so here it ought to have been laid, that the defendant made a false indorsement continens, &c. according to the matter of fact with which he was to be charged. It is true, the jury have found that the defendant falsò indorsavit, but that will not fix a guilt, for they are only to find the contents of the indictment; and if that will not amount to a crime, the adverb falsò will not make it so. Rex *v.* Knight, Ld. Raym. 527; 1 Salk. 395; 3 Salk. 186; B. R. Hil. 11 W. 3.

1478. As, therefore, in all other cases, so in this, the participial mode of averring facts, unless warranted by arbitrary precedent and authority, is objectionable: since it is not an assertion of existence.

1479. Though in this, as in all other cases, matter of inducement may be averred participially. Rex *v.* Ward, Ld. Raym. 1468; Str. 747; 1 Barn. B. R. 10.

Indictment for forging a receipt for goods which he was chargeable to deliver. *Objected*, that it was not shewn how the defendant was chargeable to deliver the alum, whether it was by obligation, deed, &c.; for it ought to appear to the court, that they might judge whether he was chargeable or not. *Answer:* That the forgery was the gist of the information, and that this was but an inducement to it; and that there was no manner of necessity to shew how the defendant was chargeable to deliver the alum. *Decision:* And of that opinion was the whole court. Rex *v.* Ward, Ld. Raym. 1468; Str. 747; 1 Barn. B. R. 10; B. R. Hil. 13 G. 1.

4. *Averment of the Fraudulent Intention.*

Has a twofold relation.

1480. Every fraudulent intention is made up of two circumstances. 1° The determination to defraud. 2° The person meant to be defrauded.

Mode of averring the determination to defraud.

1481. As to averring the determination to defraud: It is not the practice to aver it participially, thus:—that A. intending to defraud B. did forge; but thus:—that A. with intent to defraud B. did forge; or, at least, to the former expression, when used, the latter is invariably subjoined.

1482. It may, however, be doubted, whether the latter expression, in strict language, is any other than a participial averment; or expresses more than—having the intent.

1483. So that were the precedent to be settled anew, the form established would probably be, that A. did intend to defraud B., and, in pursuance of such intent, did forge.

1484. The fabrication must be in pursuance of the intention; and the averment, therefore, of intention must be so framed as to imply their coexistence.

1485. Which, however, is sufficiently shewn by the usual form—with intent to defraud, did forge: the word "with" implying an accompanying and being present.

1486. Though, reasoning from analogy, it may be questionable whether the word "intending" (were it otherwise admissible) implies as much: since the word "being" has been held not to have the force of a conjunction, and, taken by itself, to refer to the time now present.

1487. So an indictment would probably be defective which merely averred, that A. intended to defraud B. and forged: since the expression does not imply that the fabrication was in pursuance of the intent.

1488. It is sufficient to aver a general intent to defraud, without stating the mode in which it was to be accomplished: in spite of the objection, that as an intent to defraud, where there existed no possibility of defrauding, was innoxious, the possibility was an essential fact; and as that must be determined by the mode proposed, that mode ought to be averred (*a*). Rex *v.* Powell, Leach, 77.

Indictment on the 2 G. 2. c. , for forging a certain receipt for money, setting it out, with intent to defraud Taylor Barrow. *Case:* The prisoner had personated one Taylor Barrow, in the sale

(*a*) Sir Edward East states the principle of this case to be, that the indictment need not state the manner in which the party is to be defrauded, for that is matter of evidence. East P. C. c. 19. s. 59.

of East India stock, to a Mr. Joseph Sykes, and had signed the usual receipt upon the transfer with the name T. Barrow. *Objected*, that the possibility of a fraud or injury being committed by means of the receipt, depends upon the manner in which it was to operate; the mode, therefore, of its operation, being a material fact, ought to have been distinctly averred in the indictment. For instance, unless Mr. Barrow had possessed the stock, the prisoner could not have sold it, and his receipt upon the transfer would have been vain and inoperative. The indictment, therefore, should have alleged, that Taylor Barrow was a proprietor of so much stock; that it had been sold at such a price, and transferred to such a person; but above all it ought to have averred, that the receipt purported to be the receipt, or was intended to pass as the receipt, of Taylor Barrow; for the court cannot collect any of these facts from the indictment in its present form. The instrument is set forth under the signature of T. Barrow only; and it cannot be collected or intended to be the receipt of Taylor Barrow more than of Thomas Barrow, or of any other Barrow whose Christian name begins with a T. *Decision:* Upon a case reserved, eleven judges being present, some doubted; but a great majority were of opinion, that in an indictment for forgery, it is sufficient to aver a general intention to defraud a certain person, which intention may be made out by the facts in evidence at the trial. Rex *v.* Powell, Leach, 77; East P. C. c. 19. s. 53; 2 Blk. 787; cor. Eyre, Rec. O. B. May 1771.

5. *Description of the Person meant to be defrauded.*

Mode of describing the person meant to be defrauded.

1489. As to describing the person meant to be defrauded: Where the intention was to defraud a particular person or corporation, the fact should be so averred: since the question remains to be settled, whether a fabrication with intent to defraud any one that might chance to offer himself, is a forgery; and should it be answered in the negative, a prosecution, framed upon a contrary supposition, would, though really entitled to succeed, fail.

1490. And even though answered affirmatively, yet if a case can be put in which a specific intention only can be ascribable to the forger, the prosecution must likewise fail from variance.

1491. And should the rule happen to be, that, to constitute the crime of forgery, some person (or persons) in particular must be intended for the dupe; the particular person must invariably be designated.

1492. And correctly: since the evidence must tally with the averment (*b*). Rex *v.* Powell, Leach, 77 (1). Rex *v.* Elseworth, East P. C. c. 19. s. 58 (2).

(1) Supra, pl. 1488. (2) Supra, pl. 1260.

1493. With ordinary caution, however, prosecutions can hardly be defeated upon the ground of misdescribing the intention: since counts may be multiplied varying the description, so as to meet every possible contingency.

1494. And as one defective count will not vitiate the indictment, the prosecutor may hazard the experiment of a count laying the intention to be general.

1495. Its utility, however, can rarely be put to the test: since in prosecutions for forgery the writing has generally been used, and the person actually duped or intended so to be, may be taken as the party meant to be defrauded.

1496. And where the name of an existing person has been forged, one person at least intended to be duped is commonly, if not invariably, made apparent.

6. *Averment of Consciousness.*

1497. In an indictment against several for uttering a forged instrument, the collective averment that they knew it to be a forgery, is sufficient: since it implies, were the implication necessary, that each of them knew the fact. Rex *v.* Birch, East P. C. c. 19. s. 56.

Indictment against two for uttering a forged will. *Objected*, that it was only laid, "they knowing it to be forged;" whereas it should have been, that "they and each of them knowing." *Held*, by the twelve judges, that the objection was naught. Rex *v.* Birch and Martin, East P. C. c. 19. s. 56; 2 Blk. 790; O. B. Sept. 1771.

7. *Averment of the Act of Fabrication.*

1498. Every forgery is made up of three circumstances. 1° The Act of Fabrication. 2° The Writing which that act produces. 3° The qualities with which the writing is invested. These three circumstances must therefore be averred.

(*b*) Sir Edward East observes, that the intent to defraud must be stated in the indictment, and pointed at the particular person or persons against whom it is meditated; and the proof must tally with such averment. East P. C. c. 19. s. 59.

1499. As to averring the act of fabrication: The charge of fabrication cannot be laid in the alternative, where the terms, though equivalent in legal effect, describe in point of fact different situations of things. Mode of averring the act of fabrication;

1500. An indictment, therefore, for "forging *or* causing to be forged," is objectionable; notwithstanding that, being at common law, (by the rules of which all offenders in forgery are principals) the two are similar in legal effect. Rex *v.* Stocker, 1 Salk. 342; 5 Mod. 137; Holt, 345.

An indictment for that the defendant fabricavit seu fabricari causavit a bill of lading, was held naught upon demurrer; for an indictment ought to be certain and positive. Rex *v.* Stocker, 1 Salk. 342; 5 Mod. 137; Holt, 345; B. R. Mich. 7 W. 3.

1501. But probably a charge—that the defendant forged *or* counterfeited, would not be objectionable: since, as well in point of fact as of law, the situation of things described by each is identically the same.

1502. Unless, indeed, from anxious regard to simplicity of style.

1503. The alteration of a genuine writing may be charged as a complete fabrication: such being its legal effect. Rex *v.* Dawson, Str. 19; East P. C. c. 19. s. 55 (*c*) (1). Rex *v.* Teague, East P. C. c. 19. s. 55 (2). or alteration.

(1) Indictment for forging a bank-note. *Case:* The prisoner altered the figure 2 in a genuine bank-note to 5. *Held*, by ten judges, that this was forging and counterfeiting a bank-note; forgery being the alteration of a deed or writing in a material part to the prejudice of another, as well as when the whole deed or writing is forged; and that 3 Inst. 171, 172, was not law in this respect; for non assumpsit might be pleaded to such a note. Rex *v.* Dawson, East P. C. c. 19. c. 55; 1 Str. 19; Mich. 3 G. 1.

(2) Supra, pl. 1311.

1504. So where the forgery is by alteration, and the proceeding on a statute making it penal to "*forge or alter*," the charge may be for fabricating the entire instrument: since the distinguishing expression does not change the legal nature of an alteration, or render it less a fabrication of the whole. Rex *v.* Teague, East P. C. c. 19. s. 55.

Supra, pl. 1311.

8. *Description of the Forged Instrument.*

1505. As to describing the forged writing: This may be considered in relation, first, to Intrinsic, secondly, to Extrinsic Circumstances. Mode of describing the forged instrument.

1506. The writing must be set out according to its tenor (in words and figures): that the question (being a question of law) whether the instrument be such as, when impressed with a fictitious character, may be made the engine of fraud, may be submitted to the court. Rex *v.* Lyon, Leach, 597; East P. C. c. 19. s. 36. A transcript must be given;

Supra, pl. 1320.

1507. Which rule entails the obligation of setting out the instrument exactly as it is; and therefore where figures occur, they must be transcribed as such, and not expressed in words. Rex *v.* Powell, East P. C. c. 19. s. 53. (1). Rex *v.* Mason, Ibid. (*d*) (2). in words and figures.

(1) Indictment on the 2 G. 2. c. 25. s. 1, for forging a certain receipt for money; setting forth the receipt in the words and figures. *Objected*, that in the receipt some of the sums are in figures, which must not be in an indictment. *Held*, by eleven judges (on a case reserved), that the receipt must be pursued exactly as it is, or it would be a variance. Rex *v.* Powell, East P. C. c. 19. s. 53; Leach, 77; 2 Blk. 787; cor. Eyre, Rec. O. B. May 1771.

(2) Indictment, setting forth that defendant having in his custody and possession a certain inland bill of exchange, purporting to have been signed and subscribed with the name of one Robert Brown, and to bear date at, &c. and to be directed to certain persons by the name and description of E. H. W. & Co,

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(*c*) Sir Edward East states the principle of this case to be, that if any part of a true instrument be altered, the indictment may lay it to be a forgery of the whole instrument. He adds, that it has been more usual, however, hitherto, to lay forgeries of this sort by stating the particular alteration, at least in one count. East P. C. c. 19. s. 55.

(*d*) Sir Edward East states the principle of this and similar cases to be, that it is essentially necessary to an indictment for forgery, that the instrument alleged to be forged should be set forth in words and figures; though there be no technical form of words for expressing that it is so set forth. And after detailing

thereby requiring them to pay to J. A., or order, 91 *l.* 19 *s.* 6 *d.* two months after date, value received, and to place it to the account of certain persons by the name and description of Messrs. J. T. A. & Co. as advertised by the said R. B., and purporting to have been indorsed by J. A., together with a false, forged and counterfeited acceptance of the same bill of exchange written upon the same bill, and purporting to have been written by the said E. H. for and on behalf of himself and his said company, did feloniously utter and publish as true the said forged acceptance, with intent to defraud one J. W., he the said defendant knowing the said acceptance to be forged. *Held*, by the twelve judges, that the indictment was bad, as it did not set forth the bill of exchange and the acceptance in their words and figures. Rex *v.* Mason, East P. C. c. 19. s. 53; Northumberland Sum. Ass. 1792.

1508. Being an exception to the general rule, against the use of figures in indictments.

Variance.

1509. And the attempts to give a description, even of part only of the writing, instead of a mere transcript, may, of itself, and independent of other objections, lead into difficulties.

1510. Thus, stating it to have been signed by A. B., when in fact A. B.'s signature was a forgery, was held a variance. Rex *v.* Carter, East P. C. c. 19. s. 56.

Indictment for forging and uttering "a certain bill of exchange requiring certain persons, by the name and description of Messrs. Down, &c. twenty days after date to pay to the order of R. Thomson the sum of 315 *l.* value received, *and signed by Henry Hutchinson* for T. G. T., and H. Hutchinson," which bill of exchange so falsely made and counterfeited is as follows," setting out the bill. On proof that the signature to the bill, "Henry Hutchinson," was a forgery, *Held*, by the twelve judges, that the indictment averring it to have been *signed by him* (and not merely that it *purported* to have been signed by him,) which was a substantial allegation, was disproved. Rex *v.* Carter, East P. C. c. 19. s. 56; cor. Graham, B.; at York Sum. Ass. 1800.

1511. Where, however, a statute makes it penal to forge a mark or stamp directed by its provisions to be annexed to specified subjects; an indictment for forging the stamp, stating that the prisoner forged a stamp resembling a stamp provided and used in pursuance of the act, is sufficient, without setting out a fac-simile: since the indictment follows the expressions used by the act in describing the offence. Rex *v.* Collicott, Leach, 1048; 4 Taunt. 300.

Indictment on the 44 G. 3. c. 98, for forging and uttering medicine stamps, charging, 1° the forging of a certain mark provided in pursuance of such an act; 2° the uttering of a certain paper with a forged mark counterfeited to resemble a certain mark provided in pursuance of such an act; 3° other counts described it as a stamp instead of a mark. *Case:* The counterfeits were fac-similes of the genuine stamps, except that the legal stamps have in the centre a circular space circumscribed with a red ring, and inscribed with another smaller red ring, between which rings are printed the words "*duty three pence*," and within the inner ring is printed a crown in red ink; but this circular space was in the counterfeit all blank, only that it bore the words, "*Jones, Bristol*," printed thereon. When the prisoner used these stamps, he cut out this circular space, bearing the words "*Jones, Bristol*," and pasted on the packets of medicine the two ends without the middle part, and concealed the deficiency of that part by a waxen seal extending over it. *Objected*, that the indictment ought to have set out an accurate description of the very stamp which is charged to have been counterfeited, or a fac-simile of it, as is the common and necessary practice in all indictments for the forgery of bank-notes; and if this had been done, that part of the genuine stamp which in the forged stamp was cut out, would then have been visible, and the difference between them would then have been apparent, by which the variance between the averment and the proof would have been clear, or the indictment would have appeared bad on the face of it. *Held*, by the twelve judges, that the objection was untenable. The indictment charges the prisoner with having, forged a certain *mark*, and with having uttered a certain paper with a forged and counterfeited *mark* resembling a mark provided and used in pursuance of the act; and the other counts describe it to be a *stamp*. The statute makes the forging and uttering of such a *mark* or *stamp*, as is thereby directed to be affixed to these articles, a capital offence. The indictment contains all the words that the act requires to constitute the offence. Rex *v.* Collicott, Leach, 1048; 4 Taunt. 300; cor. Le Blanc, J.; O. B. Jan. 1812; O. B. Feb. 1812.

1512. Where, however, additions are made to a complete instrument, which in no way affect its operation, they need not, it seems, be noticed in stating its tenor: since they form no part of the instrument. Rex *v.* Hunter, Leach, 624; East P. C. c. 19. s. 36.

Supra, pl. 1166.

1513. And where a promissory note was signed "Mary Wallace, her mark, witness John Whettal," but these words were added after she had set her mark to the note; and the indictment against her for forging this note set forth the tenor, and included these words as part of the description; it was doubted, at

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detailing the cases, he adds, after these authorities I cannot but question Smith's case (East. 2 Anne, Salk. 342,) where it is said in the report, that where a deed with the mark of J. S. was forged, the indictment need not set out the mark. East P. C. c. 19. s. 53.

the first, whether there was not a variance, since the words were not in the note when she executed it; but, upon consulting two of the judges, the learned recorder, who entertained the doubt, ruled that there was not. Rex *v.* Dunn, East P. C. c. 19. s. 49.

Indictment for forging a promissory note of the following tenor :—" I promise to pay to Mr. Edward Hooper the sum of three, 13 *s.* and 6 *d.*, or order, seven days after date, value received by me,

her
" Witness, John Whettal. Mary ⋈ Wallace,
mark."

Doubted, by the recorder, at first, whether the indictment were proved, because it included the *attestation* of the witness, and the words " Mary Wallace, her mark," in the tenor of the note charged to have been forged by the prisoner; the fact being, that when the prisoner subscribed the note, those parts of it were not then written, and therefore she had forged a note differing in the tenor of it from that charged in the indictment. But Mr. Baron Perrott, and Mr. Justice Aston, whom the recorder consulted, being of opinion that in this respect the indictment was well proved, the recorder directed the jury upon the principal charge. Rex *v.* Dunn, East P. C. c. 19. s. 53; O. B. Sept. 1765.

1514. So mis-spelling a word in setting forth the tenor of a writing is immaterial, where the word, in its altered state, retains its original sound: since the essence of a word consists in the sound meant to be conveyed, not in the symbols used for conveying it, and the idea, therefore, which it raises is the same in its altered as in its more appropriate form. Rex *v.* Hart, Leach, 145; East P. C. c. 19. s. 54.

Infra, pl. 1515.

1515. " Value *received*," therefore, instead of " value *reicevd*," is not a misdescription. Rex *v.* Hart, Leach, 145; East P. C. c. 19. s. 54 (*e*).

Indictment for forging a bill of exchange, " as follows, that is to say,' setting it out. *Case:* The bill produced corresponded with the indictment, except that " received" in the expression " value received," was written *received* in the indictment, but *reicevd* in the bill. *Objected:* Whether this literal variance was material, the words sounding the same. *Held*, by ten judges (absent two), that the variance was not material, as it did not change the word; that considering it as an abbreviation, yet if it meant only the same word as that used in the indictment, it would not vitiate, for then it could only mean the same thing. And per Gould, J. if the word had been written *receiv'd* or *recev'd*, the *e* in the one case and the *i* in the other must have been necessarily understood. In Rex *v.* Bear, Carth. 408, the court agreed that where an instrument is laid in the indictment according to the tenor, the very *words* laid, and not the substance and effect of them, must be proved. The question then is, as to the word and not the letter, unless by addition, omission, or alteration, it becomes another word; as in Reg. *v.* Drake, Salk. 661, which proceeded upon its being a different word, *nor* for *not*. And Powys, J. says, in the report of the same case in Holt's Rep. 350, that he did not mark this to be so small a variance of a letter as if it happened in false spelling or abbreviations, which possibly might not hurt. Rex *v.* Hart, East P. C. c. 19. s. 54; Leach, 145; at Worcester Lent Ass. 1776.

1516. It is even held, that though the sound is changed, yet if by the alteration another word is not substituted for the true one, the mistake is immaterial. Rex *v.* Beech, Leach, 133 (*g*).

1517. Thus, *undertood* for *understood*. Rex *v.* Beech, Leach, 133.

1518. But to recite a will as beginning with " I, A. B. do," whereas it begins " A. B. do," is a fatal variance. Rex *v.* Coogan, Leach, 448.

Indictment for publishing a will, reciting it as beginning with the pronoun " *I*, James Gibson, do hereby," &c. *Case:* The will produced in evidence began, " James Gibson do hereby," &c. leaving out the pronoun of the first person. *Held*, that the variance was fatal. Rex *v.* Coogan, Leach, 448; O. B. May 1787 (*f*).

1519. Where, in a forged instrument, the name of a single individual designates in point of fact a number of individuals, the instrument may be set out according to its purport, without noticing that circumstance: since the end (quoad hoc) of setting out the writing, is to identify the specific crime which is the subject of the charge, and the criminal act is sufficiently indentified

Innuendo.

(*e*) Sir Edward East states the principle of this case to be, that in setting forth the tenor of an instrument, a mere literal variance will not vitiate the indictment. East P. C. c. 19. s. 54.

(*f*) The reporter subjoins: The indictment was on the 2 G. 2. c. 25, instead of 31 G. 2. c. 10. s. 24, because Gibson was not a seaman on board a king's ship, but on board a letter of marque in the merchants' service. And see 41 G. 3. c. 39, by which the statutes 2 G. 2. c. 25; 7 G. 2. c. 22; and 15 G. 2. c. 13, are altered and extended.

(*g*) Quære the principle.

by a mere transcript of the instrument. Rex *v.* Lovell, East P. C. c. 19. s. 60; Leach, 248.

Indictment for forging an order for payment of money, purporting, as the indictment described, to be an order under the hand of Henry Harvey Aston, and directed to Messrs. Drummond and Company, Charing-cross, by the name of Mr. Drummond, Charing-cross, by which said order, &c. the said Messrs. Drummond and Company were required to pay the bearer, or order, the sum of 10*l.* 10*s.*; which said order, &c. is as follows, viz.

" Mr. Drummond, Charing-cross,

" Please to pay the bearer, or order, on demand, 10*l.* 10*s.* and place it to account per me,

" H. H. Aston."

With intent to defraud H. H. Aston. *Objected*, in arrest of judgment, that the indictment charged the note to be drawn on Drummond and Companny, by the name of Mr. Drummond, Charing-cross; whereas the names of the respective partners ought to have been mentioned, instead of giving the short description of Drummond and Company: and it was alleged, that on search of precedents, none could be found of an indictment drawn in this form. *Held*, by all the judges, that the indictment was good. The question (according to East) was, whether any person or persons were described by the words " Messrs. Drummond and Company," or whether they were totally unintelligible, and a description of nobody. The judges said they must understand them as every body else did, namely, as meaning the partners in the partnership in the banking-house, it being a sensible and certain pointing out of the persons intended by the draft; and it was not necessary to state by name who those partners were in that part of the indictment. Gould, J. said, that to require the particularizing of all the partners would be of dangerous consequence to such prosecutions; some of them might not be known. And it also seemed to Buller, J. and other judges, that if the words " Messrs. Drummond and Company, Charing-cross, by the name of," had been omitted, and the indictment had only stated, according to the fact, that the bill was directed to Mr. Drummond, Charing-cross, it would have been sufficient; and as the indictment was framed, the only question was, whether Drummond and Company were meant by the prisoner, which was established by the verdict. The judges (according to Leach) considered the import and operation of the words " Messrs. Drummond and Company, Charing-cross." The rule, they said, upon this subject is, that every averment necessary in an indictment must be stated with such a degree of certainty as will enable the party to learn the general nature of the crime he is accused of, and who are the accusers against whom he is to defend himself. If therefore in the present case the designation of person is expressed with sufficient certainty for this purpose, without calling in aid the words " and company," in which words the uncertainty complained of is supposed to reside, those words may be rejected as superabundant and unnecessary, and the indictment will be good without them. But if they are essential to the certainty of description, and cannot be rejected as surplusage, and the words " Messrs. Drummond and Company, Charing-cross," when taken together, are so senseless and unintelligible as not to import a certain description of persons, then the indictment will be bad. On the first point the judges thought, that as " Mr. Drummond, Charing-cross," would have been sufficiently descriptive of the person intended to be defrauded, the words " and company" may be rejected as surplusage, without vitiating the indictment. They also thought, that without expunging these words, the sentence " Messrs. Drummond and Company, Charing-cross," is sufficiently intelligible to convey with legal certainty a notification of the party intended to be defrauded, and that it is not necessary to describe the party meant with more particularity; for if any person can be intended from the words, who that person is, and whether he was the meditated object of the fraud, are matters for the consideration of the jury. The verdict in the present case has established the fact, that the prisoner intended to defraud " Messrs. Drummond and Company, of Charing-cross;" hence, upon all these grounds, the indictment is good. Rex *v.* Lovell, East P. C. c. 19. s. 60; Leach, 248; O. B. Sept. 1782.

Whether the whole instrument must be set out;

1520. Whether the whole of the forged writing must be set out, does not appear to be any where laid down. But probably so much only need be transcribed as evinces, that all requisites, essential to forgery, concur. See the Record in Crook's case,

or a transcript professed.

1521. The indictment must profess to set forth a copy of the writing in words and figures. Rex *v.* Lyon, Leach, 597.

Supra, pl. 1320.

Modes of profession.

1522. But there is no peculiar form for doing this.

1523. The expression, therefore, usually employed, " the tenor of which is as follows," or " in the words and figures following," is not in exclusion of all others.

1524. Hence, the averment, " as follows, that is to say," is sufficient: since the words import a literal transcription, and are equivalent to the expression, " according to the tenor following," or " in the words and figures following;" so that a failure in proving the instrument verbatim as set out, would be fatal. Rex *v.* Powell, Leach, 77; 2 Blk. 787; East P. C. c. 19. s. 53 (1). Rex *v.* Hart, Leach, 145 (2).

Indictment on the 2 G. 2. c. 25. s. 1, for forging a certain receipt for money as follows, setting it out. *Objected*, that the words " as follows, that is to say," do not import the tenor. *Held*, by eleven judges (on a case reserved), that the words were to be taken the same as " according to the tenor following," or

"in the words and figures following;" and that if the prosecutor had failed in evidence in proving the receipt verbatim as laid, it would have been a fatal variance. Rex *v.* Powell, East P. C. c. 19. s. 53; Leach, 77; 2 Blk. 787; cor. Eyre, Rec. O. B. May 1771.

(2) Supra, pl. 1515.

1525. And probably any mode of expression which did not exclude the inference, that the prosecutor meant to aver the tenor of the writing, would be sufficient.

1526. But, it should seem, the word "purport" could not be employed, from not expressing the same thing, as "tenor." The latter term is descriptive of the words (and figures) by which the writers ideas are expressed, the former is descriptive of the ideas which those words convey, and thereby deduces a conclusion of law, without disclosing the grounds. Vide Rex *v.* Gilchrist, Leach, 657; East P. C. c. 19. s. 56.

1527. Nor, for a similar reason, the word substance.

1528. And though in Crooke's case the averment was, "in which said indenture is mentioned and supposed *in substance*," yet no objection was taken. Rex *v.* Crooke, Cro. Cir. Comp. Forg. 112. edit. 1738.

1529. And to aver that the defendant forged "a false deed, quasi a conveyance" of such lands, is as bad as purport, in drawing a conclusion without premises; and worse, as being conjectural, not positive. Ld. Raym. 530; Salk. 376.

9. *Averment of Extrinsic Circumstances.*

1530. A writing may from extrinsic circumstances only, not its purport, be within a statute; when the question arises, how it shall be stated.

1531. In point of fact there are three modes of description. 1° A literal transcript and no more may be given. 2° In addition thereto, it may be characterized as of the specified class; called for example, a bill of exchange, a receipt for money, and so forth. 3° In addition thereto, those circumstances may be stated which bring it within the statute.

1532. The first mode of description is inadmissible: since by no possible intendment can it be inferred to belong to the class denounced.

1533. A general averment, therefore, characterizing an instrument as belonging to a class of which forgery may be committed, but which circumstance is not apparent from its tenor as set forth, is insufficient: since whether it be such is a question of law, and the facts, therefore, whence the inference that it is such is drawn, should be stated to the court that they may decide the question. Rex *v.* Hunter, Leach, 624; East P. C. c. 19. s. 36 (1). Rex *v.* Thompson, Leach, 910 (2). Sed vide Rex *v.* Testick, 1 East, 181, n.; East P. C. c. 19. s. 36. 53 (3).

(1) Supra, pl. 1166. (2) Infra, pl. 1539. (3) Infra, pl. 1537.

1534. The second is likewise objectionable: since it avers a conclusion of law, without detailing the facts whence that conclusion results; thereby referring to the jury what the court should decide.

1535. The third mode of description, therefore, must be adopted (*g*). Rex *v.* Hunter, Leach, 624; East P. C. c. 19. s. 36. 53.

Supra, pl. 1166.

1536. It seems, however, that where a writing, not purporting to be of the specified class, but purporting to be of the genus of that species, is, through the agency of extrinsic circumstances, with which it is connected, brought within the statute, it is sufficient to characterize the instrument as of the

(*g*) Sir Edward East states the principle to be, that even setting out the very subject-matter which has been forged will not in all cases be sufficient, if it do not purport on the face of it, and without reference to some other subject-matter, to be the thing prohibited to be forged: but the purport and meaning of forgery with relation to such other subject-matter, should be expressly averred to be the thing so prohibited. East P. C. c. 19. s. 53.

specified class, without stating the circumstances by which it becomes such, and consequently without averring it to be of that class from its connection with those circumstances. Rex *v.* Testick, East P. C. c. 19. s. 36. 53; 1 East 181, n.

Infra, pl. 1537.

1537. For it seems to have been holden, that where a writing is a receipt for money, not upon the face of it, but through the agency of extrinsic circumstances, it is sufficient to call it a receipt for money, without stating the circumstances by which it becomes such, and consequently without averring it to be a receipt for money from its connection with those circumstances. Rex *v.* Testick, East P. C. c. 19. s. 36. 53; 1 East, 181, n.; Eyre, B. dub.; et quære the principle.

Indictment for uttering a forged receipt for money with the name "Stephen Withers, of, &c. for the sum of 1 *l.* 4 *s.* as follows: 18th March 1773. Received the contents above by me, Stephen Withers," with intent to defraud R. Goadby. *Case:* Goadby sold lottery tickets and shares, and paid the money for prizes; and the prisoner was employed by him to carry out the prize-money, with an account of the deductions, to pay it to the party, and bring back his receipt. On 16th March 1773, the prisoner had the following account delivered to him with money to pay the balance:

No. 38,811.

Mr. Withers.

	£.	s.	d.
One 16th of a 20*l.* prize - - - - - - - - -	1	5	–
Deduct for expenses advancing and remitting money to you - -	–	1	–
	1	4	–

Which account the prisoner on settling his accounts produced to Goadby, with the receipt stated in the indictment at the bottom of the said account, and took credit for the amount, knowing that Withers had not been paid, and having made excuses to him for the omission. *Objected*, that this receipt did not correspond with the indictment; for nothing was set forth but the receipt as for *the contents above:* and that together with the bill of particulars was one entire thing; and it being set forth "which said false receipt is as follows," the whole ought to have been set forth, and not part only, namely, "*the contents above*;" which did not appear to be the same, nor to be a receipt for money. This *objection* was likewise urged, as to the insufficiency and inconsistency of the indictment, that it did not appear by the receipt set out in the indictment, that it was a receipt *for money*, or what it was for; and being only for *the contents above*, and nothing set forth to shew what they were, or explain the receipt, it was unintelligible. *Held*, by nine judges, absent two, and Eyre, B. doubting, that the indictment was sufficient; for it was "*Received the contents above*," which shewed it to be a receipt for something, though the particulars were not expressed; and it was laid to be a forged *receipt for money* under the hand of S. W. for 1 *l.* 4 *s.*; and the bill itself was only evidence of the fact, and shewed it to be a receipt *for money* as charged. Rex *v.* Testick, East P. C. c. 19. s. 35; at Bodmin Sum. Ass. 1774 (*h*).

1538. Where, too, an instrument, though it does not purport to be of the class denounced, yet is by an established mode of dealing invested with the character of that class, it is sufficient to aver the fact in general terms. Rex *v.* Hunter, Leach, 624; East P. C. c. 19. s. 36.

Supra, pl. .

1539. Where a statute makes it penal to forge a species of instrument, and another statute (not in pari materiâ with the former) provides that a certain mode of expression shall, under its provisions, be taken as such; yet if the mode of expression does not of itself naturally, and without the aid of the latter statute, purport to be of that species, an indictment for forging the instrument under that form must, by proper averments, shew that it was meant to operate as such. Rex *v.* Thompson, Leach, 910.

Indictment charging that the prisoner "forged a certain receipt for money, as follows, that is to say: Settled, J. M." *Objected*, that the words "settled, J. M." did not of themselves purport to be a receipt for money, and that therefore the indictment should have shewn, by proper averments, that it was in fact *a receipt* of that description, according to Rex *v.* Hunter (East P. C. c. 19. s. 36; Leach, 624.) *Answer:* This does purport to be a receipt made by a person who had a right to demand money; the evidence proved that the right arose from the sale and delivery of goods according to the bill; and it is sufficient if the instrument appears upon the evidence to be of the description stated in the indictment.

(*h*) Sir Edward East, after observing, that in Testick's case, where the tenor of the receipt set forth in the indictment was in these words, "Received the contents above by me," &c. it was holden sufficient without setting forth the bill to which it referred, or connecting the receipt by averment with such bill, but only averring it to be a receipt for money, continues,—but there by the very terms of the writing itself it purported to be a receipt for something, though not specifically for *money*, as it was averred to be, in order to bring it within the stat. 2 G. 2. c. 25. East P. C. c. 19. s. 53.

Rex *v.* Withers (1 East Rep. 181, n.) is precisely in point with the present case. Also, as the 35 G. 3. c. 55. s. 7, imposing a stamp duty on receipts, has enacted, that "every note, memorandum, or writing whatever, signifying or denoting any debt, claim, account or demand being paid, *settled*, received, accounted for, balanced, discharged, released or satisfied, whether the same shall or shall not be signed by or with the name or names of the person or persons by or on whose behalf the same shall be given, shall be deemed and taken to be *a receipt* within the meaning of the act," the necessity of averring such an instrument as the present to be *a receipt*, was taken away. *Held*, on the authority of Rex *v.* Hunter, that the indictment was defective. Rex *v.* Thompson, Leach, 910; cor. Thompson, B. and Graham, B.; O. B. Jan. 1801.

1540. As collateral circumstances seem to be treated as inducement only, they may be stated in a summary way. Rex *v.* Ward, Ld. Raym. 1468; Str. 747; 1 Barn. B. R. 10.

Supra, pl. 1479.

1541. It seems that an averment, that the property sought to be obtained through the medium of the fraud, belonged to the person whose name was forged, need not be proved: since as forgery consists in impressing a written instrument with a fictitious character, and as whether it wears that character must altogether depend upon its own appearance, any inquiry into collateral facts is necessarily immaterial; and any averment respecting them necessarily superfluous. Rex *v.* Gade, Leach, 732; East P. C. c. 19. s. 4.

Supra, pl. 1380.

10. *Averment of the Purport of the forged Instrument.*

1542. And thus much for the description of the forged instrument. As to averring the existence of those qualities which to be a forgery it must possess:

1543. It is needless to aver what the purport (*i*) or legal character of the writing is, thereby designating it as of the class denounced by the statute upon which the indictment is founded; calling it, for example, a bill of exchange, a deed, or by whatever name its form may entitle it to be called: since the averment asserts a conclusion of law, and this conclusion is sufficiently manifest from the transcript of the writing given, as it must be, in the indictment. Rex *v.* Gilchrist, Leach, 657 (1); East P. C. c. 19. s. 56. Rex *v.* Reeves, Leach, 808 (2).

(1) Infra, pl. 1546.

(2) An indictment for forging a scrip receipt seems to have been holden defective from the improper use of the word "purport." A subsequent indictment for forging another scrip receipt, set out the tenor only of the instrument, and not the purport; and upon this the prisoner was convicted and executed. Rex *v.* Reeves, Leach, 808; cor. Lord Kenyon, C. J.; O. B. April 1798.

1544. Nor would the addition aid a defective statement.

1545. And even were it necessary, it is sufficient to aver, that the writing purports to be of such a class, without (that is, for the sufficiency of the averment,) transcribing it; since the sole purpose of subjoining a transcript could be, to justify the classification; a purpose sufficiently attained without it, inasmuch as the tenor of the instrument is set out in a subsequent part of the indictment. Rex *v.* Gilchrist, Leach, 657; East P. C. c. 19. s. 56.

Infra, pl. 1546.

1546. And where, in an indictment for forgery, it appears from the tenor of the writing as set forth, that its purport has been misdescribed in a point of fact, the indictment is defective: since there are two averments inconsistent with each other, and no reason for preferring either. Rex *v.* Gilchrist, Leach, 657; East P. C. c. 19. s. 56 (1). Rex *v.* Edsall, East P. C. c. 19. s. 56 (2).

(1) Indictment charging that the prisoner forged a paper writing, *purporting* to be an order, with the name of Thomas Exon thereunto subscribed, purporting to have been signed by Thomas Exon, clerk, and to be directed to George Lord Kinnaird, William Moreland, and Thomas Hammersley, bankers and partners by the names and description of "Messrs. Ranson, Moreland and Hammersley," for the payment of 10 *l.* to Mr. Brookes or order; *the tenor* of which forged paper writing, purporting to be an order for payment of money, is as follows; that is to say,—"Messrs. Ranson, Moreland, and Ham-

(*i*) Sir Edward East observes, that in all cases the word *purport* imports what appears *on the face of the instrument*; for want of attending to which many indictments have been set aside. East P. C. c. 19. s. 56.

mersley, please to pay to Mr. Brookes, or bearer, the sum of ten pounds, for Thos. Exon." *Objected*, that the direction of the bill was improperly described in the indictment. *Held*, by ten judges, absent two, that the judgment must be arrested, because the word *purport* imports what appears on the face of the instrument; it means the *apparent* and not the *legal import*; and this could not purport to be directed o Lord Kinnaird, because his name did not appear on the face of the bill. Buller, J. who delivered their opinion, observed, that old cases had given rise to much learning and argument on the words *purport* and *tenor*, and on the necessity of using one or other of those terms; but no judicial determination had ever required that the *purport* and *tenor* should *both* be stated in any case whatever. That the purport of an instrument meant the substance of it, as it appeared on the face of the instrument to every eye which read it. The tenor of an instrument meant the exact copy of it; and where that was stated the purport of it must necessarily appear. That the forms of indictments for forgery had differed in different instances, and of late years had become more complicated than they used to be, and in his opinion very improperly so. In one which he had seen, it was stated that the prisoner forged a false writing in the names of J. S. &c. bearing the form of a warrant of attorney, which said writing follows in these words, &c. If an indictment stated merely that the prisoner forged a paper writing to the tenor and effect following, and set out the instrument verbatim, which on the face of it appeared to be a bill of exchange, or other instrument within the statute; as then advised he saw no objection to it; and at all events, if it stated that he forged a paper writing in the name of T. E. purporting to be a bill of exchange, to the tenor and effect following, and then set out the bill; he thought it would be good and unexceptionable: for the words, "purporting to be a bill of exchange," could only be necessary for the purpose of shewing which of the instruments mentioned in the statute the prisoner had forged: and in order to do that, it could not be necessary under the word *purport* to state all the contents of the bill. The bill itself shewed all those things, and the law had required that an exact copy of the bill should be stated upon the indictment, in order that the court might see upon the record that it was in form such an instrument as fell within the words and meaning of the statute. That the blunder in this case had arisen from the circumstance, that Lord Kinnaird and Messrs. Moreland and Hammersley had carried on the business of bankers under the firm of Messrs. Ranson, Moreland and Hammersley: and the person who drew this indictment, forgetting that it was wholly immaterial whether such a firm as Ranson, Moreland and Hammersley ever existed, or who were the persons who constituted that firm, had taken great pains to shew that the bill drawn on Ranson, Moreland and Hammersley, was drawn on Lord Kinnaird, Moreland and Hammersley; and in order to do this, he had averred that the bill purported to be drawn on Lord Kinnaird, Moreland and Hammersley. But it purported that alone which appeared on the face of the bill: and upon the face of the bill Lord Kinnaird's name was not mentioned; and therefore it did not purport to be drawn on him. The consequence was, that the indictment was repugnant and defective. Rex *v.* Gilchrist, East P. C. c. 19. s. 56; Leach, 657; cor. Buller, J.; O. B. Feb. 1795.

(2) Indictment "for forging a certain paper, *purporting* to be an inland bill of exchange, and to be drawn by one C. W. Wright, bearing date Winchester, 14th November 1796, and to be *directed* to *Richard Down, Henry Thornton, John Freer, and John Cornwall the younger*, bankers, London, by the name and description of Messrs. Down, Thornton & Co. bankers, London, requiring them, ten days after date, to pay to Mr. Wm. Simmons, or order, 8*l.* 10*s.*" &c.; and then setting out the tenor by which the bill appeared, as the fact really was, to be directed "to Messrs. Down, Thornton & Co. bankers, London." *Held*, by the twelve judges, that the indictment was bad, upon the authority of Rex *v.* Gilchrist (supra, in this pl.) though Buller, J. disapproved much of that determination; which, however, he admitted could not be distinguished from the present case. Rex. *v.* Edsall, East P. C. c. 19. s. 56; at Southampton Spring Ass. 1798.

1547. Where a writing is counterfeited to which a set form has been appropriated, and in any respect varies from the original, it cannot be described as purporting to be what the original is designated as: since the word "purport" imports that which is apparent on the face of the writing. Rex *v.* Jones, Leach, 204; East P. C. c. 19. s. 11; Dougl. 302.

Supra, pl. 1323.

1548. And though, in point of fact, the terms in which a writing is conceived are intended to convey a different sense to what they ostensibly import, yet the instrument cannot be described as purporting to convey that sense: since the word "purport" signifies the sense which the writing expresses upon the face of it. Rex *v.* Reading, Leach, 590; East P. C. c. 19. s. 56.

Indictment for forging an acceptance to a bill of exchange, describing the bill as purporting to be directed "to one John King, by the name and description of John Ring, esq. Berkeley-street, Portman-square, London." *Case*. The bill was directed to "John Ring, esq. Berkeley-street, Porman-square." *Objection:* That as the bill did not, upon the face of it, *purport* to be directed to John King, but to John Ring, the indictment was defective, and could not be cured by the evidence. *Held*, that the objection was good. Where an instrument is to be set forth, the description that it *purports* a particular fact, necessarily means, that what is stated as the purport of the instrument appears on the face of the instrument itself. On the face of the bill of exchange, in the present case, and the face of the bill is the only thing to be considered, nothing more appears, when the averment is examined, than that it is a bill of exchange drawn by John White on John Ring; therefore, when the indictment says, that it was drawn on John King by the name and description of John Ring, it is absurd and repugnant to itself, for the

same and description of one thing cannot purport to be another thing. The drawer of the indictment was led into this blunder by not considering what was the original state of the bill, and what was the appearance of it after the acceptance was put on it; it seems as if he did not recollect under what terms or by whom a bill of exchange may be accepted. Though the bill was drawn on John Ring, it might have been accepted by John King, for a bill may be accepted by other persons than those to whom it is directed, as when it is accepted for the honour of the drawer or of any of the indorsers. Rex *v.* Reading, East P. C. c. 19. s. 56; Leach, 590; cor. Grose, J.; O. B. Sept. 1793.

1549. So where a signature is forged with an initial only for the Christian name, in averring the purport of the instrument, the name cannot be stated at length: since the averment would assert that the name appears at length upon the face of the instrument, which obviously is not true. Rex *v.* Reeves, Leach, 808.

Indictment on the 36 G. 3. c. 74. s. 22, for forging and uttering a scrip receipt "with the name C. Olier thereunto subscribed, purporting to have been signed by one Christopher Olier, and to be a receipt of the said Christopher Olier." *Objected:* The scrip receipt produced in evidence bears the signature "C. Olier;" and the indictment charges the forgery of a receipt purporting to be the receipt of "Christopher Olier;" and the evidence therefore does not prove the fact charged in the indictment; for the letters "C. Olier," may signify the name of Charles Olier, Catherine Olier, or any other Christian name beginning with a C., as well as Christopher Olier. The cases of Rex *v.* Gilchrist (Leach, 657,) and Rex *v.* Jones (Leach, 204,) were relied on. The *Court* thought the present case differed in some degree from both the cases cited, inasmuch as the note in Jones's case did not purport to be a bank-note; and therefore the indictment, charging that it did so purport, was bad. And in Gilchrist's case, as the name of Lord Kinnaird did not appear on the face of the bill, it could not purport to be directed to him: but that, in the present case, the scrip receipt being subscribed with the name C. Olier, and the indictment charging that it purported to be signed in the name of Christopher Olier, it was not upon the face of it repugnant to the bill, or inconsistent with itself. But, to remove all doubt, this point was saved for the consideration of the judges. No opinion was ever publicly delivered on this case, but the prisoner was again tried on another indictment on the same statute, for forging another scrip receipt, signed W. Mullens, setting out the tenor only of the instrument, and not the purport; and was thereupon convicted and executed. Rex *v.* Reeves, Leach, 808; first indictment cor. Lawrence, J., Heath, J. and Thompson, B.; O. B. Jan. 1798. Second indictment cor. Kenyon, C. J.; O. B. April 1798.

1550. Hence, it is apparent, that this averment should never be employed; and if rejected, the two following rules which arose out of its application, are useless except as analogies.

1551. To describe the persons, to whom a forged draft is addressed, as a company or partnership, (the fact being so) is sufficient, without specifying the individuals that compose it: since the criterion of sufficiency in this particular is, whether it is intelligible from the averment who are the parties meant. Rex *v.* Lovell, Leach, 248; East P. C. c. 19. s. 60.

1552. And, if in describing the persons to whom a forged draft is addressed, an unintelligible description is added to one sufficiently definite, it will not vitiate: since, being unnecessary, it may be rejected as superfluous. Rex *v.* Lovell, Leach, 248; East P. C. c. 19. s. 60.

Supra, pl. 1519.

Averment of the purport.

1553. Where fac-similes only, and not resemblances, are spoken of, the choice is equal between characterizing the writing as of the class denounced, and omitting the characteristic: since, unless of the specified class, it is not within the statute.

1554. But where resemblances are mentioned, the characteristic should be omitted: since, though not indictable in its professed character, it may be as a resemblance, and to characterize it, therefore, may possibly prevent a conviction.

1555. When the writing is characterized, it may be called either "a writing purporting to be" of the specified class; or by the specific name. Rex *v.* Birch, Leach, 79; East P. C. c. 19. s. 56; 2 Blk. 790; Dougl. 300 (*k*).

Infra, pl. 1556.

(*k*) Sir Edward East states the principle of this case to be, that though it be doubtless sufficient to charge that the defendant forged such an instrument, naming it, and setting forth the tenor; yet certainly the laying it to be *a paper writing*, &c. *purporting* to be such an instrument (as the statute on which the indictment is framed describes) is good; and indeed in strictness of language there may be more propriety in so laying it, considering that the purpose of the indictment is to disaffirm the reality of the instrument. East P. C. c. 19. s. 56.

1556. Thus, "a forged writing purporting to be a will," or "a forged will." Rex *v.* Birch, Leach, 79; East P. C. c. 19. s. 56; 2 Blk. 790; Dougl. 300.

Indictment for publishing as a true will a certain forged paper writing, purporting to be the last will of J. S.; setting it out. *Objected*, that it should have been laid that the prisoners forged a certain will, and not a paper writing purporting, &c. for the statute says, "shall forge a will." *Held*, by the twelve judges, on a variety of precedents being produced in which it was laid in that manner, that it was good either way. Rex *v.* Birch and Martin, East P. C. c. 19. s. 56; Leach, 79; 2 Blk. 790; cor. Eyre, Rec.; O. B. Sept. 1771.

1557. The statutes speak of various writings. Now the writing may be called by any of the denominations to which, in the nature of things, it is entitled, notwithstanding usage may have assigned the denomination to writings of a peculiar form: since the nature of things cannot be changed by usage (*l*). Rex *v.* Lockett, Leach, 94; East P. C. c. 19. s. 38 (1). Rex *v.* Shepherd or Sheppard, Leach, 226; East P. C. c. 19. s. 40 (2). Rex *v.* Willoughby, East P. C. 19. s. 40 (3).

(1) Supra, pl. 1189. (2) Infra, pl. 1558. (3) Infra, pl. 1559.

1558. Hence a bill of exchange may be called an order for payment of money. Rex *v.* Lockett, Leach, 94; East P. C. c. 19. s. 38 (1). Rex *v.* Shepherd or Sheppard, Leach, 226; East P. C. c. 19. s. 40 (2). Rex *v.* Willoughby, East P. C. c. 19. s. 40 (3).

(1) Supra, pl. 1248.

(2) Indictment for forging an order for the payment of money, as follows: "Green-st. 31st July 1791. Sirs, pray pay to Mr. John Atkins, or bearer, the sum of six pounds six shillings, value received. Yours, &c. H. Turner. Messrs. Brown, Collinson & Co. Lombard-street." *Objected*, that it ought to have been laid to be a bill of exchange, according to the case of Grant and Vaughan. *Held*, by the twelve judges, that it was properly laid; and it was observed, that the indictment and draft were the same as in Lockett's case, where all the judges held the conviction proper; and that every bill of exchange seemed to be an order for payment of money, though not vice versâ. Rex *v.* Shepherd, East P. C. c. 19. s. 40; cor. Ashhurst, J.; O. B. Sept. 1781.

(3) Infra, pl. 1559.

1559. And so may a draft on a banker. Rex *v.* Willoughby, East P. C. c. 19. s. 40.

Indictment for theft, describing the property stolen to be a warrant for payment of money. The instrument was as follows:

"Post Bill.

"No. 6127. Birmingham, 13 Feb. 1783.

"Sir Wm. Lemon, Bart. & Co. Bankers, London.

"Pay 5 guineas to Mr. Rd. Moore or bearer on demand, value received.

"Received 5 guineas. Robert Coales."

"Entered, R. Moore.

Objected, that this was not a warrant for payment of money, but a note or bill of exchange, which are mentioned in the 2 G. 2. c. 25, the omissions in which the 7 G. 3. c. 22. on which the indictment was framed, was meant to supply. Ashhurst, J., Buller, J. and Perryn, B. doubted at first whether this were a warrant within the meaning of the act; for the act having enumerated specific things, and bills of exchange being expressly mentioned, the words "other warrant" (*m*) must mean something besides a bill of exchange, viz. warrants from some of the public boards for payment of money, which are specific things differing from bills of exchange; and therefore as this was a bill of exchange, the description in the indictment was improper. But, finally, they admitted that the case could not be distinguished from Rex *v.* Shepherd, (Mich. 1781,) where in forgery the indictment was laid in the same manner and holden good. And the other nine judges were all clear (and the three, finally, appeared to be satisfied) that the indictment was well laid; for though it was a bill of exchange, it was also a warrant for payment of money; it was a voucher to the bankers or drawees, if genuine, for the payment; and it might also be laid to be a draft. Gould, J. compared this to Mitchell's case, (Fost. 119,) where a warrant or order for payment of money or delivery of goods was holden to mean, where a man has money or goods in the hands of another, not where he directs them to be supplied on credit: and considering this, whether as a bill of exchange or warrant, it purported that Coales had money in the drawer's hand. Eyre, B. said it would be the same if a dividend warrant of the Bank were made in the form of a bill of exchange; and they were of opinion, that the indictment might be laid either way. Rex *v.* Willoughby, East P. C. c. 16. s. 22; at Warwick Lent Ass. 1783.

(*l*) Sir Edward East observes, that even those instruments which in the commercial world have peculiar denominations, yet if they fall within these terms, and are in truth warrants or orders for payment of money, may be laid to be such: and of this Lockett's case is an example. East P. C. c. 19. s. 40.

(*m*) Sir Edward East subjoins: "Upon adverting to the stat. 7 G. 2. c. 22, I find that Mr. Justice Buller's observation on it, in the note of his own opinion upon this case, is not quite accurate; for he laid stress upon the words "*other* warrant," which he supposed to be used in the act, as shewing that the legislature

11. *Averment of the existence of Legal Formalities.*

1560. It would be a repetition to aver the existence of any legal formalities, whose existence is made apparent by the transcription of the writing.

1561. And, therefore, in an indictment for forging a will of freehold estate, setting it out in hæc verba, it is unnecessary to aver that it was attested by three witnesses: since the fact sufficiently appears from the literal transcription. Rex *v.* Birch, East P. C. c. 19. s. 56; Leach, 79; 2 Blk. 790.

Indictment for publishing a forged will. *Objected*, that it was not stated that it purported to be attested by three witnesses. *Held*, by the twelve judges, that as the will was set forth in hæc verba, and the three names appeared as witnesses, that was sufficient. Rex *v.* Birch and Martin, East P. C. c. 19. s. 56; Leach, 79; 2 Blk. 790; cor. Eyre, Rec.; O. B. Sept. 1771.

1562. But the existence of such legal solemnities as are not made apparent by the transcription, must be averred.

1563. Thus, that the writing, charged as a forged deed, is under seal. Rex *v.* Newton, 3 Keb. 388 (1). Reg. *v.* Goddard, 3 Salk. 171 (2).

(1) Supra, pl. 1327. (2) Infra, pl.

12. *Averment of the Falsehood of the Instrument.*

1564. The falsity of the writing is essential to the crime, and must therefore be averred. Falsehood.

1565. Since, however, no exclusive form of averment is prescribed, expressions which imply the fact will be equivalent to a distinct averment.

1566. In room, therefore, of the formal averment "falsly make," the word "counterfeit," or "forge," which implies falsehood, being now taken in an evil sense, may be substituted. Rex *v.* Savage, Sty. 12 (1). Rex *v.* Dawson, Str. 19 (2).

(1) Indictment for forging and publishing letters of credence to gather money. *Objected*, that the indictment did not say quod counterfecit falsò. *Held*, that the word counterfecit necessarily implied in it the word falsò, and so not material whether falsò were expressed or omitted. Rex *v.* Savage, Sty. 12; B. R. East. 23 Car. 1.

(2) Supra, pl. 1503.

1567. Though formerly it should seem to have been otherwise, as the expression "forging false deeds," applied to the civil proceeding, may serve to prove.

1568. Where the indictment charged,—"quod falsò contrafecit falsum scriptum," an objection that it was repugnant, was over-ruled. Rex *v.* Goate, Ld. Raym. 737.

Indictment, at common law, for forging a surrender of land. *Objected*, that the indictment was, quod falsò contrafecit falsum scriptum, which is repugnant. *Decision*: Yet held good. Rex *v.* Goate, Ld. Raym. 737; cor. Holt, C. J.; Bury Sum. Ass. 12 W. 3.

13. *Of Deviation from the words of a Statute.*

1569. The indictment, as the more secure and approved course, should follow the very terms used in describing the offence (*n*). Literal adherence.

1570. Yet if those terms are necessarily implied in the averments employed, a deviation is unobjectionable: since necessary implication is equivalent to

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legislature must have intended some *other* warrant for payment of money than a bill of exchange: but no such words are to be found in the act coupled together; though, perhaps, a similar argument may be drawn from the true wording of it; for it enumerates specific instruments, amongst others, *bills of exchange*, as included in the stat. 2 G. 2, which it recites; and further recites, that "*no punishment is inflicted by the said act* on such as forge *any warrant or order for payment of money*," which, according to his argument, must therefore mean something else than a bill of exchange, such, he observed, as warrants from some of the public boards for payment of money, which were specific things differing from bills of exchange." East P. C. c. 19. s. 40, in notis.

(*n*) Sir Edward East observes, that it is a general rule, applicable to forgery as to other offences, that an indictment on a statute must in general set forth the charge in the very words of the statute describing the offence; for equivalent words are not sufficient. East P. C. c. 19. s. 58.

express declaration. Rex *v.* Palmer, Leach, 352; East P. C. c. 19. s. 19 (1). Vide etiam Rex *v.* Hall, East P. C. c. 19. s. 19. (2).

(1) Supra, pl. .

(2) Indictment for forging a stamp on foreign muslins printed here. The offence was originally created by 25 G. 3. c. 72. s. 17, by which the duties, for the securing whereof the stamps were provided, were imposed. By 27 G. 3. c. 13. s. 35, the former duties are repealed, and new ones are imposed; and by s. 38, former pains and penalties are extended to the new duties. *Objected*, that the indictment did not pursue the words of the statute. The words of the 25 G. 3. c. 72. s. 17, are, "if any person shall forge any stamp to resemble any stamp provided to denote the charging of the duties *on* the said muslins." The second clause of the statute which imposes the duties says, "*for and upon* all muslins." The stat. 27 G. 3, which repeals the former duties and imposes others, has in s. 36, these words: "there shall be raised *upon* the goods mentioned in the schedule." The schedule itself says, *for* every yard of foreign muslin. Whereas the indictment states the intent to defraud the king of certain duties chargeable *for, on, and in respect of* foreign muslin; and that the prisoner counterfeited a stamp to denote the payment of duties *for, on, and in respect of*; which it was contended was a variance from the words creating the offence; and recites the words, by which the duty is charged, erroneously; for though the words used in the indictment are to be found in the 36th section of 27 G. 3, they refer only to drawbacks of duties imposed, and not to the imposition of the duties themselves. *Held*, by ten judges (absent two), that the objection was untenable; nor ultimately was it thought worth urging. Rex *v.* Hall, East P. C. c. 19. s. 19; O. B. 1795.

1571. It seems, however, that where two words are employed by the statute, one of which implies the other, though not vice versâ, it will not be sufficient to use the larger term only. Rex *v.* Davis, Leach, 556.

Infra, pl.

1572. But this doctrine does not exclude the use of two different words of equivalent import to those in the statute.

1573. From these nice distinctions, then, the propriety of a literal adherence to the words of the act is apparent.

14. *Conclusion Contra Formam Statuti.*

1574. Where stamp duties are imposed by one statute, and the die for denoting payment, and the penalty for counterfeiting it, are appropriated and imposed by another, an indictment for forging the die properly concludes against the form of the statute: since the latter statute only has been infringed. Rex *v.* Collins, Leach, 827.

Indictment, charging that the prisoner forged "a stamp to resemble a stamp directed *to be used* by the 36 G. 3. c. 125, for the purpose of denoting the stamp-duty of two shillings, charged by virtue of *the statute in such case made and provided*, &c. against the form of *the statute* in such case made and provided." *Objected*, that the indictment was insufficient, 1° inasmuch as it charged the prisoner with having forged a stamp to denote a duty charged by virtue of the 36 G. 3. c. 125, whereas this statute does not charge any duty at all, and therefore it ought to have alleged that he had forged a stamp to denote a duty charged by virtue of the 24 G. 3. c. 51. 2° The indictment ought to have concluded in the plural number, "against the form of the statutes." *Held*, by the twelve judges: The question in this case arises upon the two statutes 24 G. 3. c. 51, and 36 G. 3. c. 125. The first statute, among other duties, imposes a duty of two shillings upon all hats of a certain value, ordering by the eighth section a stamp, such as the commissioners shall direct, to be put upon the lining in the crown of each hat; and by the twenty-fifth section making the counterfeiting of such stamp a capital offence. But the legislature afterwards, by 36 G. 3. c. 125, thought proper to impose the same duty by these words, "and that from thenceforth *the said duties* shall be raised, levied, collected and paid under the provisions, and subject to the penalties therein contained and expressed;" and to direct a different kind of stamp to be used, and thereby repealed so much of the 24 G. 3. c. 51, as related to the mode of placing the stamp in the hats that were liable to the duty; that is, instead of fixing a stamped ticket in the crown of the hat, as directed by the 24 G. 3. c. 51, the 36 G. 3. c. 125, directs that the lining itself shall be stamped, and by sect. 19, makes the counterfeiting such new stamp a capital offence. It was contended in favour of the prisoner, that as the duty is imposed by one statute, and the stamp denoting its payment is directed by another, the indictment ought to have concluded in the plural number "against the form of the *statutes* in such case made and provided;" and not, as in the present case, against the form of the *statute* in the singular number only. But it is very clear that the whole of the stat. 24 G. 3. c. 51, so far as it relates to *the offence* charged, is repealed; for there is no part of the 24 G. 3. c. 51, adopted in the 36 G. 3. c. 125, except only so far as it says "that the rates of duty by the 24 G. 3. c. 50, imposed, shall be calculated according to the full value of the hats; and that all hats in respect of such duty shall, before they are sold, have a stamp put upon the lining *to denote the duties by the said recited act* 24 G. 3. c. 50, *imposed*:" so that it seems that the whole of the provisions of that statute, so far as it relates to the counterfeiting such stamps, are entirely done away. The judges are clearly of opinion, upon the

authority of the case of Horthbury *v.* Levingham (*o*), that the conclusion of the present indictment is perfectly right. Rex *v.* Collins, Leach, 827; cor. Macdonald, C. B., Ashhurst, J. and Rooke, J.; O. B. Sept. 1798.

15. *Indictment for Uttering.*

Indictment.

1575. An indictment, on a statute, for disposing and putting away a forged instrument, need not specify the mode in which, or the persons to whom, it was uttered: since the tenor of the instrument, as set out in the indictment, sufficiently identifies the particular transaction with which the prisoner is charged. Rex *v.* Holden, Leach, 1019.

Indictment on 45 G. 3. c. 89. s. 1, 2, for "disposing of and putting away" forged bank-notes. *Objected*, that the indictment was too general, neither stating in what manner, nor to whom, the notes were disposed of and put away. The mere setting forth the tenor of the note does not convey sufficient information to the prisoner of the particular transaction with which he is charged. Considering the immense issues which have been made of late years of small bank-notes, it is not improbable that the same note may frequently pass through the same hand; and as the day, the year, and the place have long been considered immaterial, it is necessary that the name of the person to whom a forged note is disposed of should be inserted. In Rex *v.* Jones, the indictment, like the present, charged that the prisoner, having in his custody a certain forged paper writing, purporting to be a bank-note, did dispose of and put away the same without saying to whom; and it was held bad, although the special verdict found, that he had put away the same to James Rayner; the finding of the verdict being held not sufficient to cure the defect of the indictment. It is observable also, that the indictment in Jones's case charged the prisoner with having disposed of and put away the note "as and for a true bank-note, knowing it was forged;" which allegation would, in this case, not have been true: yet the words of the 15 G. 2. c. 13. s. 11, on which that indictment was founded, are precisely the same with those in 45 G. 3. c. 89. s. 2, on which the present indictment is drawn. It is true, this indictment contains every word which the statute uses for constituting the offence; but there are many cases where that is insufficient, as in the case of Rex *v.* Mason, (Leach, 487,) on the 30 G. 2. c. 24, where the indictment was held bad, in not having stated what the false pretence was by means of which the fraud was effected, although the statement is not required by the words of the statute. So an indictment for arson, on 9 G. 1. c. 22, must aver that the house was set fire to "wilfully and maliciously," though the insertion of these words is not made necessary by the statute. So again, on 9 G. 1. c. 22, for sending a threatening letter, the letter must be set out, (Rex *v.* Robinson, Leach, 749.) In the case of Anne Pope, (Leach, 336,) an indictment on 3 W. & M. c. 9. s. 5, for robbing a ready-furnished lodging, was held insufficient, because it did not state *by whom* the lodging was let, though it had used all the words in the act descriptive of the offence. And in an anonymous case (1 East, 180,) on the 8 & 9 W. 3. c. 26. s. 6, for putting off counterfeit milled money, the indictment did not state the *names of the persons* to whom the money had been put off; and Holt, C. J., said, the names of the persons, if known, ought to be mentioned and laid specially; though the statute says, "to any person or persons" (*p*). It is therefore necessary that these allegations should have been inserted in this indictment, in order that the prisoner may have notice of the precise charge he is called upon to answer. *Answer:* To the objection it may be sufficient to say, that the precedent from which the indictment was drawn was settled and approved of by the ablest lawyers of the day; that it has been in use for almost half a century; and that many prisoners have been convicted upon indictments thus framed, and have suffered the penalties of the law. It states the offence in the very words in which it is described by the statute; it sets out the tenor of the forged note which the prisoners are charged with having disposed of and put away; and it avers in the language of the act, that this was done "with intent to defraud the governor and company of the Bank of England." The law requires only so much certainty in an indictment as is sufficient to afford to the prisoner clear and precise information of the nature and extent of the charge which he is thereby called upon to answer; and this degree of information is fully given by the present indictment. The insertion of the name of the person to whom the note was put away is not required by the statute; nor could it, if it were inserted, convey more full intelligence of the nature of the offence than is at present given by the setting forth a copy of the forged note in the very words and figures of it. The very cases that have been cited on the other side, on the 30 G. 2. c. 24,

(*o*) Trespass quare vi et armis cepit, chasiavit et imparcavit averia carucæ, &c. contra formam statuti. The defendant took an exception that the declaration was too general, for that the plaintiff ought to have declared upon *the statute* in particular, inasmuch as there are *two statutes* against the taking of beasts of the plough. But the court said, that contra formam statuti is good, although there are several statutes. 1 Sid. 344. And in the report of this case, the case of Toptclif qui tam *v.* Waller is referred to, which was an information of *usury*, concluding "against the form of the *statute* in such case made and provided;" and it was moved in arrest of judgment, because no certain statute. But the exception was not allowed; for "against the form of the *statute*," although upon divers statutes of usury, is well enough in an information. Vaillant's Edit. Dyer, 347. See also Rex *v.* West, Ow. 135; Hawk. P. C. c. 25. s. 117, cited Leach, 832, in notis.

(*p*) Lord Ellenborough, C. J., and Lawrence, J., observed, that the stat. 45 G. 3. c. 89. s. 2, on which the present indictment is founded, does not contain the words "to any person or persons," but only "dispose of or put away any such forged note with intent to defraud the governor and company of the Bank of England."

and 9 G. 1. c. 22, admit, that if the tenor of the threatening letter, and the tenor of the false pretence be respectively set out, it is sufficient. In the anonymous case, respecting the putting away counterfeit guineas "to divers persons unknown," it is observable that several felonies were included in one count; and though Holt, C. J. said, that the names of the persons to whom the monies were disposed of ought to have been inserted if known, yet he proceeded to try the prisoner, and she was convicted on that indictment. The precedents in Tremain, and other ancient entries, do not state *to whom* the forged note was uttered or published, but only, as in the present case, that it was uttered or published with intent to defraud. As to the case of Rex *v.* Jones, the question there was not upon the form of the indictment, but whether the forged paper writing, which he was charged with having knowingly uttered as and for a bank-note, did or did not purport to be a bank-note; and the court held, from its want of proper similitude, that it did not purport to be the sort of note which he had falsely represented it to be. But if it had borne sufficient similitude to a bank-note, the indictment would have been good, though it did not state *the name of the person* to whom it was so uttered. *Held*, by the twelve judges, that the indictment was good. Rex *v.* Holden and others, Leach, 1019; cor. Chambre, J. at Lancaster Sum. Ass. 1809.

1576. The uttering of various forged instruments of the same species, may be included in a single count, provided they are charged to have been uttered on one and the same occasion: since this constitutes but one act of uttering, and therefore but one offence. Rex *v.* Thomas, Leach, 877; East P. C. c. 19. s. 36.

Indictment charging, in the first count, that the prisoner on, &c. uttered a forged receipt, setting it out; also another forged receipt, setting it out; and so stated in like manner twenty-two other receipts, of different dates, for different sums, purporting to be signed by different persons, as received of the same person. *Objected*, that the prosecutor should be put to elect on which of the several receipts he would proceed. The *Court* (confirmed by the twelve judges) denied the application, as the receipts were charged to have been uttered at one and the same time, and might constitute only one offence of uttering many forged receipts (*q*). And accordingly it was proved that the several receipts there stated were forged, and were uttered at one and the same time in one bundle, by the prisoner, by his giving them to the solicitor of the navy board as vouchers to verify an account of the expenditure of one Collinridge, a public accountant, deceased, for the purpose of getting such account passed at the navy board. Rex *v.* Thomas, East P. C. c. 19. s. 36; Leach, 877; cor. Chambre, J.; O. B. Sept. 1800.

16. *Indictment on Particular Statutes.*

Indictment on 8 Hen. 6. c. 12. s. 3.

1577. The indictment on the 8 H. 6. c. 12. s. 3, must lay the act to have been done voluntarily and feloniously. 3 Inst. 72 (1); 1 Hale, 650 (2).

(1) Lord Coke observes, that in the indictment upon this statute, besides felonicé, this word voluntarie must of necessity be used to agree with the act.

(2) Lord Hale observes, the offences mentioned in the act are four; but these must be done voluntarily as well as felonicé, and both these words must be contained in the indictment upon this statute. 1 Hale, 650.

Indictment on 5 Eliz. c. 14. s. 2.

1578. An indictment upon the second section of the 5th Eliz. c. 14, need not specify the mode in which the forgery is to prejudice: for the reasons already given.

1579. Nor in this, more than in any other case, need the evidences of the intention be disclosed. Rex *v.* Crooke, East P. C. c. 19. s. 33.

Supra, pl. 1314.

1580. An indictment on the 5th Eliz. c. 14, for a second offence (eftsoons committed) must set out the record of the first conviction: that the court may determine whether the conviction was for an offence within the statute. 1 Hale, 686. Lord Hale's words are:—

The indictment for a second offence must recite the record of the first conviction, that it may appear to be a conviction of such a forgery as is within the statute; for if it be not, the indictment of felony for the second offence fails. And upon the evidence, though the record of the first conviction ought to be proved, yet the matter of the first conviction shall never be re-examined, but must stand for granted, and the party is concluded touching the truth of the matter of the first conviction by the record of that conviction. 1 Hale, 686.

Compensation to the party grieved, under 5 Eliz. c. 14.

1581. Where the debt of which a release is forged is secured by a penalty, the penalty, not the debt, is the measure of the damages under the 5th Eliz. c. 14. 3 Inst. 172; 1 Hawk. P. C. c. 70. s. 24.

Vide supra, note to the act itself.

(*q*) Vide Rex *v.* Young, 3 T. R. 98.

1582. It seems, that the trial of an indictment upon the 21 Jac. 1. c. 26, must be where the bail-piece was filed: the entry being, venit coram domino rege, &c. Beasly's case, 1 Vent. 301. Indictment on 21 Jac. 1. c. 26.

The indictment for acknowledging bail in the name of another must be tried in Middlesex, though the bail was taken at a judge's chamber in London, because filed here; and the entry is, venit coram domino rege, &c.; and so it differs from a recognizance acknowledged before my Lord Hobart, upon 23 H. 8, at his chamber, and recorded in Middlesex, there scire facias may be either in London or Middlesex. (Hob. Rep. 195, 196,) per Twisden, J. in Beasly's case, 1 Vent. 301; B. R. Mich. 28 Car. 2.

1583. Though on one occasion the trial was had in London, where the bail was personated; not in Middlesex, where the bail-piece was filed. Beasly's case, T. Jones, 64; sed vide S. C. 1 Vent. 301.

1584. In an indictment on 2 G. 2. c. 25, for forging a bond without a condition, the instrument is well described as "a bond and writing obligatory:" since either the words are synonimes; or the generality of the first term is limited by the second; or the first, being superfluous, may be rejected. Rex *v.* Dunnett, Leach, 581; East P. C. c. 19. s. 58 (*r*). Indictment on 2 G. 2. c. 25.

Indictment on the 2 G. 2. c. 25. s. 1, for uttering "a forged *bond and writing obligatory.*" *Case:* The instrument was single, without any condition or defeazance. *Objected:* The statute has both descriptions, *bond* and *writing obligatory*, and forasmuch as the statute in enumerating the several instruments, the forgery of which it prohibits, mentions both, the indictment ought to have described the offence more particularly, either as a forgery of the one or the other, and should not have called it *a bond and writing obligatory*; but in the present case should have described the instrument as a *writing obligatory*, and not as a *bond*, having neither a defeazance nor penalty annexed to it: and that although a bond were a writing obligatory, yet that the converse did not hold. *Held*, by the twelve judges, that the instrument was well described. Rex *v.* Dunnett, East P. C. c. 59. s. 58; Leach, 581; O. B. Dec. 1792.

1585. In an indictment for forging an order for the delivery of goods, it must appear that the order was compulsory, either from the terms in which it is expressed, or by averring the existence of those facts which render it compulsory: since one of these circumstances is essential to the offence. Rex *v.* Clinch, Leach, 540; East P. C. c. 19. s. 37.

Supra, pl. 1193.

1586. But if the order is compulsory in its terms, it does not seem necessary to aver that the party whose name is forged had authority to make it; since, if its terms are compulsory, its operation as an instrument of fraud is not affected by this circumstance; and though he were a fictitious person, the crime would be the same.

1587. On a prosecution for transposing the goldsmith's mark, contrary to the 13 G. 3. c. 56, to describe as a lion rampant the mark of a lion passant, is a fatal variance: since, as their essence consists in their form, they are obviously things dissimilar. Rex *v.* Lee, Leach, 416. Indictment on 13 G. 3. c. 56.

Indictment on 13 G. 3. c. 56, for removing from one silver knee-buckle to another silver knee-buckle certain stamps, to wit, the king's head and the lion rampant. *Case:* On producing the silver knee-buckle in evidence, it appeared that the mark was a lion passant instead of a lion rampant. *Held*, that the variance was fatal. Rex *v.* Lee, Leach, 416; O. B. May 1786.

17. *Of the Plea.*

1588. So far, of the indictment; next of the plea. Plea.

1589. Where one indicted of forgery is acquitted from variance, he cannot to a second indictment for the same offence, and in which the instrument is truly described, plead the former acquittal: since the acquittal went upon this, that the instrument produced in evidence, and that laid in the indictment, are different instruments; the instrument, therefore, on which the second indictment is founded, is different to that on which the first was founded. Rex *v.* Coogan, Leach, 448.

Indictment for forging a will, reciting it, according to the fact, as beginning "James Gibson do hereby," &c. *Plea:* Autrefois acquit. *Replication:* Nul tiel record. *Case:* On a former indictment for

(*r*) Sir Edward East states the principle of this case to be, that a superfluous description does not appear to be objectionable. East P. C. c. 19. s. 58.

this offence, the prisoner had been acquitted on the ground of a variance between the forged instrument and that recited in the indictment. To prove the plea, the record of this acquittal was produced; and the question was, whether this record was legal evidence of his having been acquitted of the *same offence*. *Held*, that it was not. Rex *v.* Coogan, Leach, 448; cor. Wilson, J. and Adair, R.; O. B. July 1787.

SECTION XVIII.

Of the Evidence.

1. *Facts to be proved.*

Facts to be proved.

1590. As the fraudulent intention and the means for its accomplishment must be averred, so the existence of each must be distinctly proved. The modes, therefore, of proving these facts will now be considered.

Have a twofold relation.

1591. The supposed maker of a fictitious instrument is either a real or an imaginary person.

1592. Thus, if A., intending to designate his neighbour John Wallace, forge a deed by the name of John Wallace; in this case the supposed maker is a real existing person.

1593. But if A., having no particular individual in his mind at the time, forge a deed by the name of John Wallace; in this case the supposed maker is an imaginary person, notwithstanding there may happen to be an existing person who answers to that name.

1594. Now as modes of proof differ occasionally in these different cases, it was necessary to mark the distinction, the better, hereafter, to point out these differences.

2. *Proof of the Intention to Defraud.*

Proof of Intention.

1595. The question as to the existence or non-existence of a fraudulent intention, being a question determinable by witnesses, is for the decision of the jury, not the court.

1596. And being a question as to the state of another's mind, (a state of things not perceptible by the senses), the evidence for its solution can never be other than circumstantial.

1597. The question, then, as to the existence of the intention belongs to the jury: circumstances, too, are the only media for its solution: now, though the inference from these circumstances must be drawn by the same tribunal, yet the question of their sufficiency, as grounds for inference, being a question of judgment, must be determined by the court.

1598. Hence, therefore, two distinct questions; one of law, the other of fact; of which the former only can be reduced to rule, or, in other words, will admit of an unvarying solution; the former, therefore, is alone the subject of the following remarks:

1599. When the supposed maker of a fictitious instrument is an existing person, it should seem that fraud may be presumed from the fact of fabrication merely; thereby throwing the proof of innocence on the prisoner: since, where a fraudulent tendency is the natural quality of an action, what other purpose can be ascribed to it?

1600. But where the supposed maker is an imaginary person, it should seem that fraud cannot be presumed from the fact of fabrication merely; thereby throwing the proof of innocence on the prisoner: since a person is at liberty to take any name he pleases; the inference, therefore, that he meant to go under that name, is at least equal; and where inferences are equal, so that neither preponderate, the law presumes in favour of innocence.

1601. If, however, this balance is destroyed by the weight of another circumstance, the cases where the supposed maker is an imaginary person, and where he is a real one, are the same, and the same inference of fraud arises.

1602. And upon one occasion (an indictment for forgery) the possession by the prisoner of a distinct instrument, proved also to be a counterfeit, was considered by Le Blanc, J. as a sufficient circumstance. Rex *v.* Crocker, Leach, 987; 2 N. R. 87.

Indictment for forging and uttering a promissory note, signed William Tucker. *Case:* In consequence of suspicions which had arisen from the prisoner's conduct respecting another matter while in London, his lodgings were searched, and in his bureau was found a pocket-book, in the inside of which was the prisoner's name, "B. Crocker," written in his own handwriting, and in one of the pockets of the pocket-book was the note stated in the indictment, in his handwriting, the body as well as the signature William Tucker; but the signature at first sight appearing to be in a different hand. On the back of the note was written in the prisoner's handwriting "Mr. William Tucker, 70*l.*;" and underneath, also in the prisoner's handwriting, "one year's interest, paid 3*l.* 10*s.* B. Crocker." In the same pocket-book was found at the same time another promissory note for 100*l.* payable to the prisoner or order, appearing to be signed by one William Gapper, which was proved not to be Gapper's handwriting, and also that he never owed the prisoner 100*l.*; on the back of this note was also written in the prisoner's handwriting, "Mr. William Gapper, sen. 100*l.*" This note, signed William Gapper, was offered as evidence. *Objected*, that it was not evidence. The prisoner was indicted for forging a note signed William Tucker, and the evidence ought to be confined to that forgery. The note signed William Gapper has no other connection with the note stated in the indictment than that of being found in the same place; no inference can be drawn from the forgery of one note with respect to the forgery of another, unless the prisoner has by his own conduct connected the two things. This case differs essentially from that of an indictment for uttering, where the question is, whether the prisoner uttered the note in question knowing it to be forged; in which case the circumstance of having other forged notes in his possession affords strong ground to presume that he knows the note uttered to be forged. Here the sole question is, whether the prisoner made a particular instrument. Now, proof that he made one instrument is no proof that he made another; and whether he knew the note in question to be forged or not is immaterial. *Answer:* With regard to the admissibility of the evidence as to the forgery of the note, signed William Gapper; it afforded strong proof of the mind and purpose with which the note stated in the indictment was fabricated; and in this view it is receivable, according to the case of Rex *v.* Wylie (Leach, 983; 1 N. R. 92.) There, upon an indictment for uttering a forged note, evidence that the prisoner had uttered other forged notes was received, to prove the prisoner's knowledge of the note stated in the indictment being forged. So, if a man be indicted for uttering base coin of one denomination, proof that he has uttered base coin of another denomination, is evidence of knowledge. Here the question is upon the intent of the party, the same principle, therefore, applies. *Held*, by the judge at the trial, that the evidence was admissible. On the reservation of the question for the opinion of the judges, no opinion was given on this point. Rex *v.* Crocker, Leach, 987; 2 N. R. 87; cor. Le Blanc, J. at Salisbury Sum. Ass. 1805.

3. *Proof Identifying the supposed Maker.*

1603. Where the prosecutor assumes, that the supposed maker of a fictitious instrument is some real existing person, it will be necessary to prove that fact.

1604. And as the fact altogether depends upon the forger's intention (a state of things not perceptible by the senses) the evidence for its existence can never be other than circumstantial.

1605. Supposing, however, that it is proved, the next fact to be established is, who the identical individual meant to be designated is.

1606. In proof of which, similarity in name will not, by itself, be sufficient: since, as many individuals exist who are called by this name (for so common experience teaches us to presume) the choice is equal between them.

1607. Hence, where the name of the payee of a bill of exchange has been forged as an indorsement, it is a necessary preliminary to enable him to disprove his signature (when competent so to do), first to shew, that he is the identical person to whom the bill was made payable: since, though the signature may not be his, it may be that of another person of the same name with himself; or it may be that of the real forger. Rex *v.* Sponsonby, Leach, 332.

Infra, pl. 1608.

1608. And to prove his identity, the letter of advice received by him from the drawer (who might have been produced) was rejected: since the testimony

of the drawer himself was the best evidence. Rex *v.* Sponsonby, Leach, 332.

Indictment for forging an indorsement, in the name of William Pearce, on a bill of exchange, drawn by Richard Davis, in favour of William Pearce, on Crofts & Co. for four guineas. *Case:* William Pearce, the supposed payee, was an intimate acquaintance of Davis the drawer, and had received a letter of advice, signifying that such a bill had been remitted to him, and desiring him, as an act of friendship, to pay the produce to one Coles, in discharge of a debt which Davis owed him. The bill never having come into Pearce's hands, and he having no demand on Davis for the amount, it was agreed that he was a competent witness to prove that the indorsement was not his handwriting. But it being also necessary to show that he was the identical William Pearce to whom the bill was made payable, and as Davis the drawer, whose testimony was considered as the best evidence of the fact, was not present to attest it, the letter of advice which Pearce had received from him was holden insufficient for the purpose; and Pearce's testimony to shew the handwriting to be forged was finally rejected; for though it might not be *his* handwriting, yet it might be the handwriting of a William Pearce; or, as he had not been proved to be the person intended as the payee of the bill, it might be the handwriting of the William Pearce to whom the bill was made payable. Rex *v.* Sponsonby, Leach, 332; East P. C. c. 19. s. 65; O. B. July 1784 (*s*).

1609. But where the bill itself is a forgery, and not the indorsement merely, then, by establishing that fact, evidence will be admissible to prove that the indorsement is forged, which, had the bill been genuine, would have ranked as secondary only. Rex *v.* Downes, East P. C. c. 19. s. 65.

Infra, pl. 1610.

1610. And in all cases, the prisoner's admission as to the person meant to be designated, will be proof of that fact. Rex *v.* Downes, East P. C. c. 19. s. 65.

Indictment for forging and uttering a bill of exchange, in the name of Andrew Helme, with intent to defraud one Anthony; and also for forging and publishing an indorsement, in the name of John Sowerby, on a bill of exchange, purporting to have been drawn by the said A. Helme, dated 12th May 1789, and payable two months after date to the order of the said John Sowerby, for 14 *l.* 6 *s.* 6 *d.* with the like intent. *Case:* Some letters of the prisoner, written after he was apprehended, were produced, from whence it clearly appeared that the name of the drawer, A. Helme, was forged. One of these letters, directed to Andrew Helme, the prisoner's uncle, containing an application from the prisoner to him to beg his uncle to acknowledge that it was his signature, in order to save him (the prisoner) from his impending fate, and promising to save his uncle harmless from the payment. In the same manner it appeared from the letters, that the John Sowerby, whose indorsement was intended to be counterfeited by the prisoner, was the son of another person of the same name, in Liverpool. Anthony Bennett proved that the prisoner, owing him some money, offered him the bill in question, with the indorsement thereon; and that on questioning him, the prisoner said, that the drawer, Andrew Helme, was a gentleman of credit at Liverpool, *and the indorser a cheesemonger there,* who had received the bill in payment for cheeses; and that he might depend on it it was a good bill. Whereupon he took it, and afterwards paid it away; and fourteen days after it became due, it was returned to him as good for nothing. John Sowerby, the father, was then called, who swore that the indorsement was not his handwriting; that he had lived thirty-six years in Liverpool, and knew no other person of the same name there, either a cheesemonger or otherwise, except his son, who had left him about four months before, and afterwards carried on the same business of a cheesemonger in Dean-street. That his son had failed, and was lately gone to Jamaica; that the indorsement was not at all like his son's handwriting, and that he did not believe it to be his. That the prisoner and his son were acquainted, and the prisoner had bought corks of him. Another witness also proved, that the indorsement was not like the handwriting of the son, and he did not believe it to be his. *Objected:* That A. Helme, the drawer of the bill, had not been called to prove what John Sowerby it was in whose favour the bill was drawn, as he best knew that fact, and therefore that his was the best evidence, and such as the law requires. The evidence given was, however, left to the jury, and the prisoner was thereupon found guilty. *Held,* by the twelve judges, that the conviction was proper. The objection supposed, that there was a genuine drawer of the

(*s*) Sir Edward East observes, that without considering any other point of evidence which occurred in this case, it may be doubted whether the fact of this William Pearce being an intimate acquaintance and correspondent of the drawer, and no evidence being given of the existence of any other William Pearce, to whom it might be supposed that the bill was made payable, was not sufficient evidence of the identity of the payee; and, as far as that goes, his testimony would rather press against his interest than for it; though it is otherwise as to the falsification of the indorsement. For taking him to be the William Pearce to whom the bill was made payable, if the indorsement had been genuine he would have been liable to an action at the suit of Davis; not having applied the money according to his order. It seems, therefore, that he had no manner of interest, but rather the contrary, in proving himself to be the real payee; but that he had an interest, or rather a bias, in proving that the indorsement was not his handwriting. East P. C. c. 19. s. 65. It is observable, however, that the objection was, no. that Pearce was an incompetent witness, but that he was not the best witness. The very objection allows that he was competent in case the better witness was not forthcoming.

bill, who, it was insisted, ought to have been called as a witness to prove what John Sowerby it was in whose favour the bill was drawn. But to this there were two answers: 1° It was apparent that the name of the drawer, as well as that of the indorser, was forged by the prisoner, for he acknowledged as much in the letter under his own hand to his uncle, A. Helme, the supposed drawer. And if no real drawer existed, and the objection were allowed, it would be to excuse one forgery because another had been committed. But 2° the prisoner himself had ascertained who was intended by the John Sowerby whose indorsement was forged; for when he negotiated the bill he represented him to be a cheesemonger at Liverpool; and by another letter of the prisoner's it was clear that he meant Sowerby the son; for therein he requested his uncle to go to Sowerby's mother, and desire her to say nothing about it, whether he had any concern or not, or whether he indorsed it or not. Then it being proved that the indorsement was not the handwriting of Sowerby the son, the evidence of the forgery was full and complete. Rex *v.* Downes, East P. C. c. 19. s. 65; cor. Wilson, J. at Lancaster Sum. Ass. 1789.

1611. In cases where some specific property is aimed at, by proving that fact, and identifying, as owner of the property, a person of the name used, the person designated is necessarily identified. Rex *v.* Parr, Leach, 434.

Indictment on 31 G. 2. c. 22. s. 77, against Parr, for personating Hart, the real proprietor of stock, and thereby endeavouring to receive the dividend thereon. *Case:* Hart was examined to prove his identity, by testifying the amount of the stock he had at the Bank, and that the sum for which the prisoner had obtained the dividend warrant was the exact sum due to him at the time. But he was not examined to the falsity of the signature. Rex *v.* Parr, Leach, 434; East P. C. c. 19. s. 65; cor. Adair, R. O. B. Jan. 1787.

1612. And on an indictment for forging a seaman's will, the muster-book transmitted by the officers of the ship to the navy office, and produced by the clerk of the tickets from that office, was admitted as proof that he belonged to such a ship, that so much was due to him when he died, and that a ticket, for the payment of the same, was made out and delivered to a person who brought the probate of the will in question. Rex *v.* Fitzgerald, Leach, 20.

Indictment for forging a paper, purporting to be the last will and testament of Peter Perry, late a seaman on board his majesty's ship the Lancaster, with intent to defraud the king. *Case:* It was proved by the *muster-book*, transmitted by the officers of the ship to the navy office, and which was produced by the clerk of the tickets from the navy office, that Peter Perry belonged to the ship Lancaster; that at the time of his decease there were 42 *l.* 16 *s.* due to him; and that a ticket for the payment of the same was made out, and delivered to a person who brought the probate of the will in question. *Question* reserved for the opinion of the judges, whether the muster-book was admissible evidence. Their opinion was never publicly given, but the prisoners were executed. Rex *v.* Fitzgerald and Lee, Leach, 20; O. B. Sept. 1741.

1613. So, likewise, as proof of his death. Rex *v.* Rhodes, Leach, 24 (*t*).

Indictment for forging the will of John Thompson, a seaman, late on board his majesty's ship Hamborough, deceased. *Case:* It appeared by the evidence of the clerk of the ticket office, in the navy office, that it was customary for the captains of men-of-war to transmit accounts of their crews to the navy office as frequently as possible, and that these accounts are entered regularly in muster-books, containing the names of all who are living, dead, or have run away. The muster-book belonging to the Hamborough was produced, in which there was this entry: "John Thompson, an able seaman, died 22 August 1739, at Turtle Bay, on board the Hamborough." *Objected:* That it was incumbent on the prosecutor to prove by the best evidence the nature such a fact would admit of, that the testator was dead; and that the best evidence of that fact was by some one of the many persons who were on board the ship, and not by the accounts of the captain or other officers, who might by accident or design return the man dead when he was really alive. *Answer:* The objection was incongruous on the part of the prisoner, for that he had actually proved the will in Doctor's Commons, and received the wages at the navy office by virtue of the probate, which implied an acknowledgment by him, that Thompson was dead; but that, exclusive of that reason, it was the constant course and uninterrupted practice of the court to admit the entry in the muster-book, after it had been authenticated by the clerk who signed it, as full evidence of the fact. *Held*, that the objection was naught; and the case of Fitzgerald and Lee was cited by the court, where this point arose, and wherein a muster-book was admitted as evidence of the same kind of fact. Rex *v.* Robert Rhodes, Leach, 24; cor. Reynolds, B.; O. B. April 1742 (*u*).

(*t*) Indictment for forging a seaman's will. *Case:* To prove the probate revoked, Thomas Fletcher, a clerk in the Prerogative Court, produced an entry of the revocation in a book called *the assignation-book*, in which all causes are entered by the register, and which was kept officially by the witness as the only record of such proceedings, and of the decrees of the court. *Objected*, that this book was not admissible evidence. *Held*, that it was evidence to prove the fact of the probate being revoked. Rex *v.* Richard Ramsbottom, Leach, 25, in notes; O. B. Sept. 1787.

(*u*) Sir Edward East states the principle of these cases to be, that the muster-books of the king's ships documented in the navy office, to which returns are regularly made, by the several commanders, of the names, &c. of their respective crews, are admitted as evidence of the persons therein named having served on board the several ships in the capacities there mentioned. East P. C. c. 19. s. 25.

4. Proof Falsifying a Handwriting or Seal.

1614. Assuming, then, that the supposed maker has been identified, the next step is to prove that he was not the maker.

1615. And where handwriting is used as the stamp of authenticity, by disproving its genuineness the forgery is established.

1616. To establish the fact that another's hand has been forged, the later authorities hold, that the professed writer is not even the primary witness; and that any third person acquainted with his handwriting will do as well: the reason must be, that the knowledge which in either party constitutes his adequacy as a witness, is obtained through the same media—experience and observation; and though the writer himself may possess and have exercised these in a greater degree, yet degrees of adequacy, where the opportunities of information are the same, have now no influence in fixing the rules of competency. Rex *v.* M^c^Guire, East P. C. c. 19. s. 68 (1). Rex *v.* Hughes, Ibid. (2).

(1) A conviction for forging a bank-note was established, on reference to the judges, without the aid of the cashier's testimony (whose individual competency is established by another decision, infra, pl. 1644) to disprove his handwriting, the forgery of which was established by other evidence, which shewed that the instrument was false in all its parts, in the texture of the paper, the water-mark, the engraving, the ink, and the written date of the year, which was 1798, though the printed date under the Britannia was 1799; being altogether proved to be such as the Bank never made or issued. Rex *v.* M^c^Guire, East P. C. c. 19. s. 68; cor. Chambre, J. at Lancaster Spring Ass. 1801.

(2) On an indictment for forging a bank-note, Le Blanc, J. held, that the handwriting of the cashier of the Bank (whose individual competency is established by another decision, infra, pl. 1644) might be disproved by any other person who was acquainted with his handwriting. Rex *v.* Hughes, East P. C. c. 19. s. 68; cor. Le Blanc, J. at Exeter Spring Ass. 1802.

1617. By an earlier authority, however, the contrary rule is established; to the rejection of any other witness but the supposed writer himself, unless inadmissible or dead. Rex *v.* Smith, East P. C. c. 19. s. 67.

Indictment for uttering a forged receipt. *Case:* The writing purported to be the receipt of one George Maughan, a butcher at the island of Grenada, upon a bill for butcher's meat supplied to the ship of which the prisoner was captain. The charge was for altering the figures in the quantity of meat, and in the sums they amounted to, with intent to charge one Trinder, the owner of the ship, with larger disbursements than the captain had really laid out. And to prove that these alterations were forgeries, and not the handwriting of Maughan, one Greenwood his partner was produced, as one who was acquainted with Maughan's hand. *Objected:* That Maughan himself ought to be produced, or some reason given why he could not. The prosecutor alleged that he was dead, but on the single hearsay of Greenwood, who left him alive about two years and a half before. *Held*, that such evidence was no sufficient proof of Maughan's death; and that without that proof, no evidence but *his* could in this case be admitted of the forgery; for Maughan's testimony would certainly be the best, as he could say positively whether the handwriting were his or not; but Greenwood could only speak from opinion; and it was an established rule, that in all cases the best evidence be given which the case will admit of, and less than that was never to be received, if it appeared that a better might have been had. And in this case there was not the same reason for not producing Maughan which commonly occurred in prosecutions for forgeries, which were generally by the party himself whose hand was forged, and were pointed at an intention to defraud that party: and in those cases there was certainly no necessity that the person whose handwriting was forged should himself appear to prove the forgery; but the fact might be proved by others, who were acquainted with his hand. That the reason was, because in such prosecutions the party himself, whose handwriting was forged, would be no competent witness, being interested in the question: and therefore the testimony of those, who were acquainted with his hand, was really the best evidence which the case would admit of. As therefore the party himself could not be examined if he were present, it was a sufficient reason for not producing him at all on the part of the prosecution. But in the present case, Maughan had no degree of interest at stake; whatever was the true amount of the bill, he had been paid it, and had no demand at all subsisting. The question was only between the prisoner and Trinder; whether the prisoner had overcharged his disbursements, and produced false vouchers in his accounts with Trinder: and upon such a question, Maughan might certainly have been a competent witness, and he certainly could give the best and most satisfactory evidence, whether the alterations in his bill were corrections of his own, or were forged by some other hand. Rex *v.* Smith, East P. C. c. 19. s. 67; cor. Gould, J. and Yates, J.; O. B. Jan. 1768.

1618. And the following argument may serve to establish the justness of the earlier authority. The testimonies of the third person and of the supposed writer are in their nature altogether different, and in their degree greatly varied. The question to which the former replies is, whether he *thinks* that the writing

produced resembles the usual hand of the supposed writer. The question put to the latter, however worded, really is,—whether he executed the deed—whether he wrote the letter. The testimonies, therefore, of the two are addressed to different things. And as the testimony of the other person is that of opinion merely—an answer to a question addressed to his judgment; but the testimony of the writer, the assertion of a fact—an answer to a question addressed to his consciousness; the one is vastly superior to the other (*x*).

1619. Where the fact to be established is, that another's hand has been forged, it cannot be done by comparing the writing supposed to be forged with a writing proved to be genuine: since a single observation (and this is nothing more) is not sufficient to constitute adequacy in this matter.

1620. A rule, perhaps, which arose, not from reasoning, but from the odium cast upon the practice by a memorable abuse of it: since where, in the received cases, a witness disproves another's handwriting, he forms his opinion, by comparing the writing shewn with a standard with which his recollection supplies him.

1621. Nor is that standard necessarily superior in its kind to the other: since a witness who has seen the party write on one occasion only, is competent to speak to his hand.

1622. Genuine and forged handwritings are, in their nature, distinguished by peculiar characteristics. Where, therefore, the question is, whether another's hand has been forged, persons who, from their habits or otherwise, have made it their study, or have acquired the faculty of discriminating between these characters, may depose as to their existence in the particular case; the same as in other questions of art. Goodtitle *v.* Braham, 4 T. R. 497. Rex *v.* Cator, 4 Esp. 117.

1623. In like manner, genuine and forged seals, with their impressions, are, in their nature, distinguished by peculiar characteristics. Where, therefore, the question is, whether a seal or its impression has been forged, persons who, from their habits or otherwise, have made it their study, or have acquired the faculty of discriminating between these characters, may depose as to their existence in the particular case; the same as in other questions of art. Folkes *v.* Chad, Phil. on Evid. 227. Seal.

5. *Proof of the Place of Fabrication.*

1624. The circumstance that a forged instrument was found in the prisoner's house in the county of A., will not warrant the inference that it was forged in that county; at least where the prisoner at the time of the date is shewn to have been elsewhere. Rex *v.* Crocker, Leach, 987; 2 N. R. 87. Proof of the Place of fabrication.

Indictment for forging and uttering a promissory note, signed Wm. Tucker, and dated 7th March 1803; venue *Wiltshire*. *Case:* The prisoner had lived at Winsham in Somersetshire many years, and was a farmer there, and had quitted Winsham about June 1804, (so that the date of the note charged to be forged was during the time of his residence in Somersetshire). Tucker, whose name appeared to be forged, was also a farmer living at Winsham in Somersetshire, and still continued to live there. In Nov. 1804, the prisoner, by the name of Collins, went with his wife to Salisbury, and took lodgings there, where he continued to reside till about the middle of May 1805, when he went to London, leaving his wife in his lodgings at Salisbury. In consequence of suspicions which had arisen from his conduct respecting another matter while in London, his lodgings in Salisbury were searched, his wife being there but he being in London, and in a bureau belonging to the prisoner in those lodgings was found a pocket-book, in the

(*x*) Suppose that the writing was by procuration, without noticing that circumstance—or that the writer disguised his hand; these facts would appear were he himself produced, and thus the truth of that would be established, which, unless produced, would be pronounced false.

Sir Edward East observes, if the party whose handwriting is forged have no interest in invalidating the instrument in question, there is no doubt but that he is a competent witness. And some cases appear to go the length of establishing, that being the best, he is the only witness, if living, to prove the forgery: but that is not confirmed by the current of authorities to such an extent; though the testimony of such a one, when disinterested, must doubtless be the most satisfactory of any on the question of his own handwriting. East P. C. c. 19. s. 66.

inside of which was the prisoner's name "B. Crocker," written in his own handwriting, and in one of the pockets of the pocket-book was the note stated in the indictment. *Objected,* that no evidence was given of any thing having been done in the county of Wilts, where the indictment was found. The only proof applicable to that county is, that the pocket-book containing the forged note was found there. The charge is that of making a false instrument, and a felony was complete as soon as the instrument was fabricated. The instrument bears date the 7th March 1803, at which time Tucker, whose name is forged, as well as the prisoner were both resident in Somersetshire. So far as this evidence goes, it tends to shew a fabrication in Somersetshire. There is no fact to prove a fabrication in Wiltshire. It is true, that the date of a forged instrument is not much to be relied upon, but if the simple fact of the instrument having been found in Wiltshire, be sufficient to prove a fabrication in that county, the consequence would be, that if the prisoner had carried his pocket-book with him to London, or into any other county, and had remained there long enough to have fabricated the instrument, he might be indicted in any such county where the note happened to be found. Some fact therefore must be proved to connect the offence with the local jurisdiction. The venue is matter of substance. *Answer:* The very fact of the instrument having been found in the prisoner's custody, is evidence to go to the jury of the offence having been committed there. In Elliott's case (East P. C. 951,) the instrument was found upon the prisoner in Kent, where the indictment was laid; but no evidence was given to prove the actual fabrication of the instrument in that county. On the contrary, the circumstances of the case afforded some inference that the forgery was not committed there. It appeared that Ryland, having struck off a quantity of notes, delivered them together with the plates, to the prisoner, at a public house in Fleet-ditch. The note in question was found upon the prisoner at Dover, and the plate at a lodging upon Tower-hill; yet the objection now made, that the evidence did not afford proof of the offence being committed in Kent, was either overlooked or thought of no weight. In Parkes and Brown's case the objection was taken; but that case does not decide the present; the objection there was, that the uttering by Brown in Middlesex was not sufficient evidence that Parkes had committed the forgery in that county, but some of the judges thought that even this, in the absence of other proof, was evidence against Parkes, he himself being in Middlesex at the time; and the majority of the judges agreed that it was a question of evidence for the jury, though they did not think the proof in that particular case sufficient to warrant the conclusion. In the present case, however, the instrument was found in the custody of the prisoner himself. Here, therefore, the evidence is stronger than in the case of Parkes and Brown, and the jury were warranted in finding the prisoner guilty in Wiltshire. In Rex *v.* Hensey (1 Burr. 645,) it was holden that a letter in the prisoner's handwriting, dated Twickenham, in Middlesex, was evidence of an overt act committed in that county. *Held,* by a majority of the twelve judges, as it seems, that there was not sufficient evidence that the offence was committed in the county of Wilts. Rex *v.* Crocker, 2 N. R. 87; Leach, 987; cor. Le Blanc. J. at Salisbury Sum. Ass. 1805.

1625. Nor will the fact that a forged instrument was uttered in a particular county, warrant the inference that it was forged in that county. And, therefore, in an indictment against two, one for forgery, the other for uttering, proof that the latter uttered in the county laid, will not establish the locality of the other's guilt. Rex *v.* Parkes, Leach, 775; East P. C. c. 19. s. 61.

Parkes and Brown, whose case was subjoined to pl. 1624, were indicted, the first for forging, the other for uttering, a forged promissory note for five guineas. *Case:* There was no doubt of Parkes having forged the note in the same name as the other prisoner, and with his concurrence, but pretended by the latter when he uttered it, to be the note of his brother, whom he represented as a man of fortune in a lucrative employment. The venue was laid in Middlesex, but the only evidence which was offered to shew that the forgery was committed there, was, that Brown, between whom and Parkes an intimate connection was proved to exist, had uttered it in Middlesex (Parkes not being present at the time, nor, for aught that appeared, cognizant of the fact); and that upwards of forty of the same sort of five-guinea notes in blank, without any signature, were found upon Parkes in the same county; all of which notes, as well as the one in question, were dated "Rington, Salop;" and also a receipt was found upon Parkes, under cover, addressed to Brown, for 21 *l.* for four five-guinea bills. *Held,* by a majority of the twelve judges, as to Parkes, that there was not evidence that the forgery was committed by him *in Middlesex,* where it was laid; they thought that the bare fact of the note being uttered there by the other prisoner, taking him even to be an accomplice, was no evidence of the forgery itself having been committed there. Some, however, of the judges were not satisfied with this opinion, thinking that the fact of finding the forged instrument in the county, in which also it appeared that the forger himself was, was evidence, in the absence of other proof, of the fact of the forgery having been there committed. The majority agreed that it was a question of evidence for the jury; but thought that there was no proof in this case to warrant the conclusion. Rex *v.* Parkes and Brown, East P. C. c. 19. s. 61; Leach, 775.

6. *Who are incompetent as Witnesses.*

Who incompetent as *Witnesses:* General rule.

1626 The rule is inflexible, that on a prosecution for forging an instrument which, if genuine, would subject a party to loss or liability, he is incompetent to prove any fact that in its consequences (whether immediate or remote) tends to establish the fabrication. Rex *v.* Boston, 4 East, 582. Rex *v.* Watts, Hardr. 331; 3 Salk. 172 (1). Rex *v.* Caffy, East P. C. c. 19. s. 63 (2).

(1) Information of forgery for publishing the forged deed of one Coke. *Case:* It appeared that the deed imported a revocation of the will, and of a codicil annexed, to the prejudice of the executors and

legatees. *Held*, (upon conference with the King's Bench) that a trustee, who has conveyed over his estate in trust, or has assented thereunto, cannot be a witness for the king in this case. Nor can a legatee, or any other person that is a loser by the deed, or may receive any advantage by the verdict's being found for the king. And for this, Dutton and Colt's case was cited, being a case in point, in B. R. And the case is the same in perjury, in that he that is injured by the perjury shall not be received as a witness; because if the verdict pass for the king, he will consequentially reap an advantage by it. But in case of an indictment for battery, he that was beaten may be a witness, because he can reap no benefit by the verdict in another suit; and the cause is of small moment. But in case of forgery, perjury, or usury, (as appears Co. 1 Inst. fol. 9. b.) the party grieved may have an advantage by the verdict, and therefore shall not be received as a witness; and thus a diversity. Rex *v.* Watts, Hard. 331. Exch. Trin. 15 Car. 2.

Information against the defendant for forgery, and for publishing a forged deed. *Held*, upon a conference with the judges of B. R., to whom one of the barons of the Exchequer was sent, that no person who is or may be a loser by the deed, or who may receive any benefit or advantage by the verdict being found against the defendant, shall be a witness. Rex *v.* Watts, 3 Salk. 172.

(²) Indictment for forging the indorsement of "Joseph Gardiner," upon a promissory note made payable to him or order. *Held*, by Raymond, C. J., Denton, J., and Hale, B., that Gardiner could not be a witness to prove that the handwriting was not his; being a party interested. Rex *v.* Caffy, East P. C. c. 19. s. 63; O. B. Oct. 1729.

1627. Not merely the falsehood of the handwriting, but "any other fact which contributes to the proof of the forgery; or, in other words, any fact conducive to the general conclusion (¹)." Phil. on Evid. 93. Rex *v.* Bunting, East P. C. c. 19. s. 64 (²).

(¹) The words of Mr. Phillips.

(²) The executor of a person, whose promissory note had been forged, was, by Mr. Baron Adams, rejected as a witness to prove what the prisoner said to him when he tendered him the note for payment. Rex *v.* Bunting, East P. C. c. 19. s. 64; at Thetford, March, 1767 (*y*).

Reason of the rule.

1628. The principle upon which the rule has been justified, and which throughout, for it is the only one, will be assumed for its foundation, seems to be—that by establishing the forgery, he invalidates the instrument, and by invalidating the instrument, he exonerates himself from that loss or liability to which it would otherwise expose him (*z*).

(*y*) Sir Edward East states the principle of this case to be, that incompetency arising from interest in the event of the verdict, where it really exists, extends to preclude the party from giving other evidence, as well as that of negativing the handwriting, which tends to prove the fact of the forgery. East, ubi supra.

(*z*) Hawkins observes: As to where it is a good exception against a witness that his interest is concerned: it seems an uncontested rule, in all cases whatsoever, that it is a good exception against a witness, that he is either to be a gainer or loser by the event of the cause; whether such advancement be direct and immediate, or consequential only. Upon this reason it hath been ruled, that he who by a slight hath been imposed upon to set his hand to a note for more money than he intended, is no good witness on an information for the cheat; because a conviction may be a means to avoid the note, by being made use of by the party when sued upon it, as a motive to influence the jury, which cannot well be prevented, though in law it be no evidence. And for the like reason, I take it to be generally agreed, that he whose property may be prejudiced by a forgery, is no evidence to prove it on an indictment or information. And if it be a forgery within 5 Eliz., a further reason may be offered why such a person cannot be an evidence, because he may have an action on the statute; and upon this reason alone it hath been adjudged, that he, against whom a verdict is given, cannot be a witness to prove perjury in the evidence. And yet it appears from daily experience, that a person beaten, and generally any other person to whose damage a criminal information concludes, is a good evidence to prove such battery or other misdemeanor, notwithstanding the objection that he may have an action. *And therefore upon the whole, the rules of evidence concerning this matter seem not to be clearly settled.* 2 Hawk. P. C. c. 46. s. 24.

Sir Edward East observes, upon the question "*As to the Competency of Witnesses to the Fact of the Forgery*," that there is some difficulty upon this point; not in ascertaining the practice which has long prevailed, for that has been uniform in rejecting every witness who is interested, at the time of his examination, in setting aside the instrument alleged to be forged, upon which, if genuine, he would be liable to be sued; but in reconciling that practice in all cases with the principle laid down in Abrahams *v.* Bunn, (4 Burr. 2255); Bent *v.* Baker, (3 T. R. 27. 308); Smith *v.* Prager, (7 T. R. 60); and that class of cases, by which it is now settled as a general rule, that unless the witness is to derive an immediate advantage from the verdict, if favourable, or can give it in evidence on his own behalf in any other suit to which he is a party, the objection of interest only goes to his credit, and not to his competency. The rules of evidence are said to be the same in criminal as in civil cases, (Attorney General *v.* Le Merchant, 2 T. R. 201, n. Exch. Dec. 1772); and as the object must be the same in both, to arrive at truth, there is nothing in reason to establish a difference, unless where the necessity of the case furnishes an exception in admitting the injured party to give evidence against an offender from whose conviction he is to derive some advantage to himself, ne maleficia remaneant impunita. That reason, however, does not hold, in the present case, for the admissibility of the witness whose hand-

1629. Since, however, the second consequence cannot follow (for a conviction through the medium of his testimony, would not avail him in a collateral proceeding) the rule is an anomaly; and though admitted to be such, yet, out of reverence to its age, it is left for the legislature to reform it.

1630. On a prosecution, however, for personating the proprietor of stock, and endeavouring to receive his dividend, the real proprietor was permitted to prove his ownership. Rex *v.* Aickles, Leach, 438; East P. C. c. 19. s. 50.

Supra, pl. 1403.

1631. Yet, it should seem, the objection (such as it is) lay, that, by invalidating the transaction (which his deposition, coupled with other proofs, necessarily did) he secured himself from that loss to which it would otherwise have exposed him.

1632. And though, on an indictment for forging a letter of attorney transferring another man's stock, Mr. Justice Fortescue refused to admit the proprietor as a witness, yet the report does not say, whether he came to establish his ownership or to disprove his signature. Rex *v.* Rhodes, Str. 728.

The rule re-asserted;

1633. The general rule, however, is that stated; and, therefore, on an indictment for forgery, the person whose name has been forged, is not a competent witness to prove that fact. Rex *v.* Russel, Leach, 8 (1). Rex *v.* Crocker, Leach, 987; 2 N. R. 87 (2).

(1) Indictment on 2 G. 2. c. 25, for forging an acquittance and receipt, under a certain account, as from R. Gateley. *Objected*, that Gateley's testimony was inadmissible for the prosecution; upon the principle, that where a person is concerned *in interest*, he cannot be a witness. *Answer:* Gateley's evidence is admissible, for it goes to establish the defendant's guilt; and as the consequence of his conviction would be an immediate forfeiture to the crown of all the property he possessed, Gateley's evidence would tend to deprive himself of the possibility of ever receiving satisfaction for the sum due to him upon this account. The objection of incompetency arises from the sort of interest which the witness may have in the nature of the question, or the event of the trial; and if any advantage may accrue to him from giving his testimony, the law in consideration of the frailty of the human mind, renders his evidence inadmissible. But when the effect of a testimony tends to deprive the witness of a substantial benefit, the law allows his evidence, upon the conception that he will not untruly charge himself, or say any thing wrongfully to his own disadvantage. *Held*, that Gateley was not an admissible witness. Rex *v.* Russell, Leach, 8; cor. Page, J., Carter, B., Urlin, dep. R.; O. B. Feb. 1737.

(2) Supra, pl. 1624.

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writing has been forged; for although he must necessarily know with more certainty than any other, whether the instrument be or be not of his own making; yet, as in many instances, he has a direct interest in setting it aside, and as the fact of his handwriting may be ascertained with reasonable certainty by others, the common and primary rule of law prevails, that where such interest appears the party is incompetent to depose to any fact which goes to disprove the genuineness of the instrument.

If, he continues, it were even admitted that this practice is in some instances not altogether reconcileable with the rule before-mentioned, as laid down in Bent and Baker, and the other cases, it might be sufficient to say, that the long continuance and universality of such practice has now fully established the case of forgery as an exception to that rule. But it is not so clear, that the rejection of the witness in this case furnishes such an exception. For without entering into the question how far a *conviction* in a criminal case, founded on disinterested testimony, would be evidence, at least primâ facie, against the convict, or those claiming under him in a civil suit upon the same instrument where the fact of the forgery was directly in issue, (a point upon which the distinctions taken by Lord Chief Baron Gilbert, and his reasonings thereon, as well as the opinions of others, are deserving of great consideration before it is ruled in the negative; (Gilb. L. E. 25; 2 Bac. Abr. 614; vide B. N. P. 245; Watt's case, Hardr. 332; 3 Com. Dig. 281; 7 T. R. 633. n.; 6 Mod. 186; 5 T. R. 256; 12 Vin. Abr. 95); yet in all cases of felony, at least, where the forgery is of such sort that the party accused might, if the writing were genuine, have his remedy thereon against the witness, or the latter lose his remedy against him, it is clear that the witness has a direct interest in the conviction; because the security itself, as well as the remedy, is lost to the offender by the attainder and forfeiture, (vide 2 Hawk. c. 49. s. 9, 10;) and it cannot be presumed that the crown, at whose instance the conviction was procured on the very ground of the falsity of the writing, would be so inconsistent with itself as to attempt to set it up again, even if it were not legally estopped by its own act on record, (vide Co. Litt. 352, a, b.; 2 Inst. 39.) And even in other cases of felony, where the forgery was committed for the benefit of a third party, an interest still exists in the witness, who is bound by the writing, if genuine, to procure a conviction: for independent of the discredit thereby thrown on the instrument, which is insisted on by some as a sufficient reason in itself for excluding such testimony; (vide 2 Hawk. c. 46. s. 24; 2 MS. Sum. 346; sed vide R. *v.* Bray, B. R. H. 358; Smith *v.* Prager, 7 T. R. 63): although the conviction would, in that case, be no legal evidence to avoid the instrument in a civil action by or against such third person, to whom the rule of res inter alios acta would justly apply; yet the difficulty of suing thereon, or setting it up again, would, at least, be increased from the known usual practice

1634. And the party whose signature has been forged, and who, therefore, is interested in invalidating the instrument, not only cannot disprove the signature; he cannot give evidence tending to discredit it: since it may induce the jury to believe that a forgery which otherwise they would have supposed genuine. Rex *v.* Crocker, Leach, 987; 2 N. R. 87. With an additional clause.

Indictment for forging and uttering a promissory note, signed Wm. Tucker. *Case:* On the back of the note was written in the prisoner's handwriting, "one year's interest paid 3 *l.* 10 *s.* B. Crocker." Tucker was called to prove that he never paid the prisoner 3 *l.* 10 *s.* for interest on this or any other note. *Objected,* that he was inadmissible. It will be allowed, that in case of forgery, a person whose interest is concerned, and who may be liable to an action upon the forged instrument, cannot be received as a witness; if then the party interested shall not be allowed by his own testimony to destroy the instrument to which his name is forged, the rule must apply equally to every kind of testimony by which the instrument might be affected; it cannot be confined to the handwriting only, but must apply to every thing necessary to make out the body of proof. Suppose, however, that it did not apply to mere collateral matters, yet in the present case the witness is called to prove that an important part of the instrument itself, namely, the indorsement, is forged. According to the case of Searle and Lord Barrington (2 Str. 826,) if an action were to be brought upon this note some time hence, the indorsement might be given in evidence to establish the validity of the note. In Rex *v.* Bunting, (East P. C. 996,) the executor of a person, whose promissory note had been forged, was by Mr. Baron Adams rejected as a witness to prove what the prisoner said to him when he tendered him the note for payment. The evidence given by Tucker was as effectual a part of the evidence of forgery, as if he had denied the immediate handwriting: *it conduced to the general conclusion,* and it is impossible to say what weight the jury may have given to it. *Answer:* It may be admitted, that Tucker could not be received to prove the forgery; but the rule goes no further. The rule itself is contrary to all the general principles of law, and is not to be extended beyond the limits to which it has hitherto been confined. In the King *v.* Bunting, the evidence of the executor was properly rejected, because it went to the very gist of his interest; but in Parr's case (East P. C. 997,) where the prisoner had personated Isaac Hart, and received a dividend due to him, Hart was admitted to prove the amount of his stock at the Bank, and that the sum for which the prisoner obtained a warrant was the exact sum due to him; but he was not examined to the falsity of the signature. It has been said, that there is no necessity to call the person whose name is forged, since other persons are capable of proving that circumstance; but in the present case, no one but Tucker could have been called to prove that interest had not been paid on the note. Tucker had no interest in giving the evidence which he did, for by denying that he had paid interest, he charged himself with it if the note was good, and if it was already proved to be forged, he had no interest at all. *Held,* by a majority of the twelve judges, as it seems, that Tucker's evidence was inadmissible. Rex *v.* Crocker, 2 N. R. 87; Leach, 987; cor. Le Blanc, J. at Salisbury Sum. Ass. 1805.

1635. The rule holds the same, though the writing is a discharge of debts due from the accused to the person whose name has been forged; in spite of the objection, that by convicting the accused, the whole of his property would be forfeited to the crown, whereby the party meant to be defrauded would deprive himself of the chance of obtaining his demand. Rex *v.* Russel, Leach, 8.

Supra, pl. 1633.

1636. A cashier, therefore, whose name has been forged to a scrip receipt, is incompetent to prove the forgery: since he disproves that which, if genuine, would render him accountable. Rex *v.* Reeves, Leach, 808. Examples: Scrip receipt.

Indictment on the 36 G. 3. c. 74. s. 22, for forging and uttering a scrip receipt subscribed C. Olier. *Case:* Olier was himself called to prove that the name "C. Olier" was not his handwriting. *Objected:* That being the person whose name was charged to be forged, he was so far interested as to be rendered incompetent. *Held,* incompetent. Rex *v.* Reeves, Leach, 808; cor. Lawrence, J., Heath, J. and Thompson, B.; O. B. Jan. 1798.

1637. So, on an indictment for forging a receipt to a navy bill, in the name of the assignee of the certificate to the bill, he is incompetent to prove the forgery: since, were the signature genuine, he would appear to have received what he might be called upon to refund. Thornton's case, Leach, 634. Receipt to navy bill.

In Rex *v.* Hunter, the detail of which is subjoined to pl. 1166, Thornton, the assignee of Wilson's certificate, and the person whose name was charged to have been forged on the receipt to the navy bill,

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practice of the court to impound instruments found by the verdict of a jury to be forged: and the difficulty of proof, also, to the third party interested in the civil action, might possibly be enhanced by the conviction of the fabricator for forgery; (vide Co. Lit. 6. b.): which being a species of the crimen falsi, renders him in all instances an incompetent witness.

But, he concludes, on whatever grounds the interest of the party whose hand is forged may be supposed to rest, if he be in fact interested in setting aside the instrument, supposing it genuine, either as against the prisoner or any other, all the cases establish that his evidence is, to the point of the forgery at least, inadmissible. East P. C. c. 19. s. 63.

was produced as a crown witness. *Objected*, that he was incompetent, since if, in the event of the trial, it should appear that his name was not forged, he would be placed in a condition to be called upon for the money. *Held*, incompetent. Thornton's case, Leach, 634; cor. Perryn, B.; O. B. Dec. 1794.

Receipt to bill of exchange.

1638. In an indictment for forging a receipt to a bill of exchange, indorsed in blank, the drawer having paid it before it became due, is not (unless released by the person from whom the bill was purloined) a competent witness, for the prosecution, to identify the prisoner with the receipt: since, by anticipating the day of payment, he opens the question whether he is not liable to repay the money. Rex *v.* Taylor, Leach, 214.

Indictment for forging a receipt to a bill, namely, "Rec^{d} W. Wilson." *Case:* The bill had been indorsed in blank, and lost; the drawee paid the contents to the prisoner three days before the bill (payable a month after date) was due; and he was called to prove that the prisoner had received the contents, and witnessed that receipt in the name of "W. Wilson." *Held*, that he was not a competent witness, in that by paying the bill before it became due, he had opened a question, whether he was not liable to repay the money. On receiving, however, a release from the real proprietors of the bill, his evidence was admitted. Rex *v.* Taylor, Leach, 214; cor. Willes, J. and Eyre, B.; O. B. Oct. 1779.

Executor.

1639. So, on an indictment for forging a will, one named executor in a subsequent will is not competent to prove the forgery: since, by establishing the forgery, he invalidates the instrument, and by invalidating the instrument, he secures to himself those advantages which may result from his representing the deceased. Rex *v.* Rhodes, Leach, 24.

Indictment for forging the last will of John Thompson. *Case:* It appeared, that the will set out in the indictment, in which the prisoner was named executor, was dated the 6th of September 1736, and that another will existed in the name of Thompson (which was produced in court) dated 7th March 1737, in which one Carter was named executor. Carter was called by the prosecutor to prove, that the will in which the prisoner was named executor, was not in the handwriting of Thompson, the supposed testator. *Objected:* That Carter was an incompetent witness, on the ground of interest; in that his situation is similar to that of a person whose signature has been forged to an instrument, and whose testimony to invalidate the signature is inadmissible, as tending to destroy the validity of an instrument which affects his interest. Here there are two wills; Carter the witness claims an interest as executor under one of them, and Rhodes the defendant claims in the same way under the other. The evidence, therefore, of Carter, by disproving Rhodes's will, tends to confirm and establish his own, and by this means to promote the interest which he claims. *Answer:* An interest is not sufficient to destroy the competency of the witness, unless it be of such a nature as may be materially affected by the event of the trial. The instance put as similar to the present, does not apply, for there the evidence tends to destroy a security upon which, if valid, the witness is immediately liable: but in the present case, there can be no question which of the wills has the better title. Admit, that Rhodes's will is in the handwriting of the testator, yet it being anterior in point of date to that under which Carter claims, it can never be established as the last will of Thompson; so that the interest which Carter possesses, does not in any degree depend upon the question now before the court; viz. whether the will charged to be forged, under which the prisoner claimed, be in fact real or fictitious? The acquittal or condemnation of the prisoner does not in any way affect Carter's right to a probate; he is entitled to it, as executor of the last will; and his interest cannot be concerned in any event which may be produced by his testimony of the fact which he is called upon to prove. *Held*, unanimously, that Carter's testimony was not admissible. Rex *v.* Robert Rhodes, Leach, 24; cor. Reynolds, B.; O. B. April 1742 (*a*).

1640. And though it was urged, for his admissibility, that he had no manner of interest in overturning the first will; for whether it were a true or a false one, the last, being posterior, was equally valid; yet the court were unanimous for rejecting him.

1641. And the grounds of the decision were probably these:—In order that the will in question might be a forgery, it was essential that, setting aside its falsehood, it should be operative in law, and to its operation in law it was essential that it should have been made subsequently to the will under which the witness claimed, or that such will should be itself a forgery. If, therefore, its

(*a*) Sir Edward East observes, that to the objection to the witness's competency it was answered, and apparently with some weight, that he had no manner of interest in overturning the first will; for whether it were a true or a false one the last was equally valid, if sufficient in itself: and its sufficiency could in no event depend upon the result of the impending trial, allowing all the weight to the verdict which it might be supposed to have; but it must stand or fall upon its own ground. The witness was however rejected; but for what reason does not appear. Perhaps it would be difficult to shew, how far even the credit of such a witness was affected. He adds, and if the executor be a bare trustee, claiming no beneficial interest under the will, I conceive that the same rule which governs in civil cases would prevail in this. East P. C. c. 19. s. 63.

validity was conceded, the will under which the witness claimed was necessarily invalidated; and the witness, therefore, was interested in disproving its validity.

7. *Who are Competent as Witnesses.*

Who competent as *Witnesses.* Will.

1642. But in an indictment for forging the will of a person who happens to be living, that person is competent to disprove the genuineness of the signature: since a will cannot operate during the party's lifetime, and by disproving it, therefore, he exonerates himself from no loss or responsibility to which its terms may expose him. Rex *v.* Sterling, Leach, 99; East P. C. c. 19. s. 43.

Supra, pl. 1371.

Indorsement on bill of exchange.

1643. Where the payee of a bill has no interest or property therein, and no demand upon the drawer for the amount, and the bill itself has not been negotiated, he is competent to prove, that an indorsement in his name is a forgery: since by proving that the property in the bill has not been devested, he gains nothing to himself; and since the bill has not been nogotiated, his disproving the signature exonerates him from no responsibility. Rex *v.* Sponsonby, Leach, 332.

Supra, pl. 1608.

Breach of trust.

1644. Where the only interest which a person, whose signature has been forged, can have in disproving it, proceeds upon the supposition of his having been guilty of a breach of trust, but of which there is no evidence, he is a competent witness: the presumption being in favour of innocence. Rex *v.* Newland, Leach, 311; East P. C. c. 19. s. 68.

Indictment for forging a bank-note, signed "Wm. Lander. For the Governor and Company of the Bank of England." *Case:* Lander, who was a cashier of the Bank, properly authorized to subscribe such notes with his own name, for the governor and company, and who had given security to them for the faithful performance of this duty, was called to prove the forgery, and that the name "Wm. Lander," was not his handwriting. *Objected*, that he was an incompetent witness, upon the interest which he was alleged to have in the event of the prosecution; for upon a supposition that he had signed the note, without carrying it to the account of the Bank, he would be liable as well to a criminal prosecution for the fraud, as to a civil action on his security bond. *Answer:* The witness has no direct interest in the question; for whether the note were genuine or not, he can never be responsible for the payment of it: the very objection is founded upon the presumption of a breach of trust, which can not be entertained upon any legal principle, and therefore an interest can not be inferred from such a presumption. *Held*, that he was admissible, upon the ground that he was in no event responsible for the payment of the note in question: that the interest must be apparent upon the face of the instrument itself, or arise immediately from the nature of the transaction, or from the acknowledgment of the party himself: that in the present case, unless criminality were presumed, no interest could be inferred, and such a presumption was repugnant to law. Rex *v.* Newland, Leach, 311; East P. C. c. 19. s. 68; cor. Perryn, B. and Adair, Rec.; O. B. Feb. 1784.

Place of payment in a promissory note.

1645. The drawer of a note is competent to prove, that a clause making it payable at a banker's is a forgery, provided the banker has not paid it: since his testimony does not invalidate the note, and, therefore, does not exonerate his responsibility thereon; his only interest in perverting the truth could be, to deprive the banker of his commission for paying the bill, but to which, not having paid it, he has no claim. Rex *v.* Treble, Leach, 1040; 2 Taunt. 328.

In this case, of which a detail is subjoined to pl. 1253, an *objection* was taken, that Kelleway was not a competent witness to prove that the alteration was not made by himself or partners. That as to the argument for his competency—that he was called, not to prove the forgery, but for an indifferent purpose; namely, to prove that the parcel of notes never arrived; whence it would follow as a necessary inference that the note was altered without the authority of the makers: there is no reason in the distinction. A party who cannot be called directly to prove that the note is a forgery, cannot be permitted to do it indirectly. In Rex *v.* Bunting (2 East P. C. 996.) Adams, B. refused to permit the executor of a person whose name was forged to prove the handwriting of his testator, or the declarations made to him by the the prisoner, on account of the interest he had as executor. *Answer:* Unless the principle of Rex *v.* Bunting be carried much further than it has hitherto gone, the objection to the evidence of Kelleway is of no avail. Mansfield C. J. said, it appears that the loss of the notes was sufficiently proved by other evidence, independently of Kelleway, for the guard and the coachman found, that when they reached Salisbury the parcel was gone. But Kelleway was not interested; for in this case Ramsbottom had not paid the note; and therefore the question is not whether if they had paid it the Kelleways would have been interested in swearing that they had never authorized the payment, on the ground that a commission would

be due to Ramsbottoms, in addition to the amount of the note; but here, since Ramsbottoms have not paid the note, whoever might hold it equally had a claim on Kelleway; and Kelleway was therefore disinterested. Objection over-ruled. Rex *v.* Treble, Leach 1040; 2 Taunt. 328; cor. Macdonald, C. B. at Horsham Lent Ass. 1810.

8. *Restoration of Competency.*

Restoration of *Competency.*

1646. A party made liable by the terms of a forged instrument, is a competent witness to prove it a forgery, if, at the time of examination, he has been discharged from his liability by those to whom alone it could make him responsible: since the sole ground of incompetency is, that, by avoiding the instrument, he exonerates himself: now, in the state of things supposed, he is already discharged (*b*). Rex *v.* Akehurst, Leach, 150 (1). Rex *v.* Dodd, Leach, 155 (2).

(1) Indictment for forging a promissory note, payable to himself. *Case:* The note was not made payable to order: the prisoner had paid it away to a creditor, but had not indorsed it. *Objection:* Whether a general release from the holder of the note to the supposed drawer, made him competent to prove the forgery. *Held*, that it did. Rex *v.* Akehurst, Leach, 150; cor. Lord Mansfield at Sussex Sum. Ass. 1776.

(2) Indictment for forging a bond as from the Earl of Chesterfield to Henry Fletcher. The earl was produced as a witness to disprove his signature; and on producing a release from Mr. Henry Fletcher, the supposed obligee of the bond, he was admitted. Rex *v.* Dodd, Leach, 155; cor. Gould, J., Willes, J. and Hotham, B.; O. B. Feb. 1777.

1647. Hence, on an indictment for forgery, the person whose name has been forged is a competent witness to prove that fact provided the loss or liability to which it exposes him has already been compensated or discharged: since his incompetency, when not discharged, arises from this, that by invalidating the instrument, he exonerates himself from that loss or liability to which it would otherwise expose him. Rex *v.* Wells, B. N. P. 289 (1). Rex *v.* Testick, East P. C. c. 19. s. 36 (2). Rex *v.* Usher, Leach, 48; East P. C. s. 19. s. 66 (3).

(1) Where one was indicted for forging a receipt, and the person whose name was forged had before recovered the money from the prisoner, he was admitted as a witness by Willes, C. J. to prove the forgery. Rex *v.* Wells, B. N. P. 289; cor. Willes, C. J. at Oxford.

(2) Indictment for uttering a forged receipt, as from Stephen Withers, with intent to defraud R. Goadby. Goadby was indebted to Withers in the sum for which the receipt was given. Goadby having paid Withers the debt, Withers was admitted to prove the forgery. Rex *v.* Testick, East P. C. c. 19. s. 36; Bodmin Sum. Ass. 1774.

(3) Indictment for forging an acceptance to a bill of exchange, in the name of Anthony Merry, for the payment of 250*l.*; and for publishing the same, knowing it to be forged, with intent to defraud Sir Charles Asgill & Co. *Case:* The bill was as follows:—

"Ex^{a} par^{r} 250*l.* sterling. Laos Deo, Malaga, 5 Feb. 1758.

"At usance and half pay this our first, per exchange, to Mr. Domingo Guaico, or order, 250*l.* sterling, value received of the same; which place to account, as per advice, from

"Thomas Quilty & Co.

"To Mr. Anthony Merry, merchant in London."

The bill purported to be accepted by Mr. Merry, and to be payable at Sir Charles Asgill's & Co. The facts were, that the prisoner had lived in the capacity of cash-keeper to Mr. Merry, a Spanish merchant; and that he uttered this bill and received the money thereon from Asgill & Co. was clearly proved. It likewise appeared, that Asgill & Co. had charged Mr. Merry's accounts with this payment; but afterwards, being fully persuaded, from what Mr. Merry told them, that it was a forgery, they gave Mr. Merry's account a credit for the same sum. Mr. Merry was called to prove that the acceptance was forged. *Objected:* That he was incompetent, unless he produced a release from Asgill & Co. *Held:* That as Asgill's house was thoroughly satisfied of its being a forgery, and had settled their accounts, not charging Mr. Merry with the payment, or making him any way debtor for the bill, it was perfectly immaterial to Mr. Merry whether the prisoner was convicted or acquitted, for there could be no demand upon him for the 250*l.* Rex *v.* Usher, Leach, 48. cor. Lord Mansfield, C. J., Wilmot, J. and Smythe, B.; O. B. Oct. 1759.

1648. On an indictment for forging an order for money, if the party whose name has been forged has been paid what is due to him, he is competent to

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(*b*) Sir Edward East states the rule to be, that whatever might have been the interest of the party in the transaction at first, there is no doubt but if he be divested of such interest by release, payment or otherwise, at the time he is ready to be sworn, it is no objection to his competency, whatever it may be, under certain circumstances, to his credit. East P. C. c. 19. s. 69.

prove the forgery: since, thereby, the interest which he had to invalidate the order is removed. Rex *v.* Macintosh, Leach, 883.

Supra, pl. 1381.

9. *Proof by Admissions.*

Admissions.

1649. The prisoner's admissions will be evidence in this class of crime the same as in all others.

1650. His admission, therefore, that he made the instrument charged as a forgery, will be evidence of the fact.

1651. And his admission, that the instrument purporting to have been made by him, is "a good one," is an acknowledgment that he made it: since, if not the maker, it cannot, according to its purport, be a good one. Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 232.

Supra, pl. 1245.

1652. And where he is charged with having *written* the instrument, his admission that it is "a good one," is, if the jury think so, an acknowledgment that he wrote it. Rex *v.* Hevey, East P. C. c. 19. s. 5; Leach, 232.

Supra, pl. 1245.

10. *Proofs on an Indictment for Uttering.*

Evidence.

1653. The mere fact of uttering affords no ground for presuming consciousness. Rex *v.* Whiley, 1 N. R. 92.

Infra, pl. 1657.

1654. Which, however, may be inferred from circumstances connected with the particular transaction, or from circumstances having no relation to it.

1655. Whatever is said or done by the accused at the time of the transaction, or on occasions connected with it, will be evidence against him: since they are indicio of the state of his mind. Rex *v.* Ball, 1 Camp. 324.

Infra, pl. 1657.

1656. Proof of consciousness on a former similar occasion, is a ground for presuming consciousness on the present occasion; notwithstanding the two occasions are altogether distinct, and similarly in feature, the only link of connection between them: since where a disposition of mind is proved to exist, actions to which it would naturally give rise, may, when they occur fairly, as to their cause, be referred to its agency.

1657. On an indictment, therefore, for knowingly uttering a forged instrument, the fact of the prisoner's having previously uttered similar instruments, knowing them to be forged (*c*), is evidence of a guilty knowledge. Rex *v.* Whiley, Leach, 983; 1 N. R. 92 (1). Rex *v.* Ball, 1 Camp. 324 (2).

(1) Indictment for uttering a forged bank-note. *Case:* The prosecutor offered to shew that the prisoners had uttered forged bank-notes on previous occasions to other persons. *Objected*, that no evidence could be given of any transaction not stated in the indictment, since the prisoners could not be prepared to defend themselves against a charge of which they had no notice. That it was never allowed upon indictments for burglary or robbery, to prove offences previously committed by the prisoner, in order to shew quo animo the act was done; nor was such evidence ever admitted upon an indictment for uttering bad money, which was very analogous to the present; the proof there is always exclusively confined to the particular uttering charged in the indictment; and the offences, of knowingly uttering counterfeit coin and forged bank-notes, were so similar to each other, that no reason could be assigned why any distinction should be made between them as to the rules of law; or why an established principle should prevail in the one case and not in the other. That if this evidence was admitted upon an indictment for uttering forged bank-notes, it would be an exception to the general law of evidence; and that at all events, the prisoners ought to have received notice of the several utterings intended to be proved against them: as in the case of barratry, where upon a general indictment, against one as a common barrator, the prosecutor is required to give notice of the particular facts intended to be proved. That introducing other trans-

(*c*) It may seem, indeed, to have been laid down generally, that previous actions of a similar kind, are evidence, without the additional proof of consciousness. Crocker's case, supra, pl. 1426, however, cannot be cited as an authority for this.

actions tended to confound prisoners in their defence; and that, in indictments for misdemeanors, if several misdemeanors were charged in one indictment, it had been usual for the judges to quash the indictment. Lord *Ellenborough*, C. J.: This point is not new; in Rex *v.* Tattersall, (Lancaster 1801, cor. Chambre, J.) the question was, whether in giving evidence to prove an allegation, that the party uttered a bank-note knowing it to be forged, the prosecutor might give the conduct of the prisoner in evidence, to shew his knowledge of the forgery; whether the prisoner had not furnished pregnant evidence, and whether the jury, from his conduct on one occasion, might not infer his knowledge on another. And the opinion of the twelve judges was, that the jury were at liberty to make such inference. The prisoner does not come unprepared: it is alleged, that he uttered a note, knowing it to be forged. Are we then to exclude all evidence but what is furnished by this particular transaction; since without other evidence it is impossible to ascertain whether the party uttered the note with knowledge, or under circumstances which shewed the uttering to be venial. I remember a case in which a person came to Manchester with a large parcel of forged notes; his whole demeanor offered pregnant evidence of the mind and purpose for which he came; and a question was made, whether that evidence should be received; for it was said, that it would be trying the prisoner for other utterings. But if crimes do so intermix, the court must go through the detail. I remember a case where a man committed three burglaries in one night; he took a shirt at one place, and left it at another; and they were all so connected, that the court went through the history of the three different burglaries. The more detached in point of time the previous utterings are, the less relation they will bear to that stated in the indictment. But in such case the only question would be, whether the evidence was sufficient to warrant the inference of knowledge from such particular transactions. It would not make the evidence inadmissible. Such evidence may come out from these circumstances, as to leave no doubt that the prisoners must have known what sort of paper they were passing. Under the authority, therefore, of the decision which has already taken place, I think that it is competent to us to go into and receive evidence of another offence, and of the demeanor of the prisoners on other occasions, from which knowledge may be inferred. If the evidence do not furnish sufficient grounds to warrant a conclusion of knowledge, it will be laid out of the question. With respect to joining several misdemeanors in one indictment, it has been matter of *discretion* in the judges to quash indictments so framed; for they are not *erroneous* on the record.—*Thompson*, B. As to the case put of uttering bad money; I by no means agree in the conclusion, that the prosecutor cannot give evidence of another uttering *on the same day* to prove the guilty knowledge. Such other uttering cannot be punished until it has become the subject of a distinct and separate charge; but it affords strong evidence of the knowledge of the prisoner that the money he uttered was bad. If a man utter a bad shilling, and fifty other bad shillings are found upon him, this would bring him within the description of a *common* utterer; but if the indictment do not contain that charge, yet these circumstances may be given in evidence on any other charge of uttering, to shew that he uttered the money with a knowledge of its being bad. Rex *v.* Whiley and another, Leach, 983; 1 N. R. 92; cor. L. Ellenborough, C. J., Heath, J. and Thompson, B.; O. B. Apr. 1804.

(2) Indictment for uttering a forged bank-note. *Case:* Evidence was adduced to show that the prisoner had uttered another forged note of the same manufacture as the note in question two months before; and that on searching the files of the rank, a number of other notes were found (dated between Dec. 1806, and March 1807,) all of the same manufacture, and having different indorsements upon them in the handwriting of the prisoner. *Question:* Whether this was admissible evidence to prove the guilty knowledge. *Held*, by the twelve judges, that it was. Every thing said or done by the prisoner is admissible to shew his knowledge of the forgery. Rex *v.* Ball, 1 Camp. 324; cor. Heath, J. at Lewes Sum. Ass. 1807.

1658. But documents which have never been in the possession of the accused, or in any way adopted by him, cannot be read: since the principle upon which alone they can be evidence is, that they are admissions. Rex *v.* Huet, Leach, 820.

Indictment against Huet for forging and uttering a bank-note. *Case:* The prisoner, a Frenchman, on 24th Oct. 1797, received two notes in a letter, which he said came from his brother at Hamburgh; one of which was the note in question. On his apprehension, his papers, which were pointed out by himself as belonging to him, were seized by the police officers. On his examination, he said that he had found the note in question, together with a note of 20 *l.*, folded in a piece of paper resembling the cover of a letter. Amongst his papers, which were seized, was found the cover of a letter, a half sheet of letter paper, which he said was the paper that had inclosed the notes. On 9th Dec. and whilst in confinement for re-examination, the landlady of the house where he had lodged, gave to the police officers a letter which had that day been left at her house from the post-office, directed "A Mons. Huet, No. 10, Wardour-street, Oxford-road;" and which on being opened by the solicitor of the Bank, was found to be dated, "Altona, 22 Nov. 1797," to be written *as* from his brother, in the French language; and to contain a note for 25 *l.*, of the same species of manufacture as that on which the prisoner was indicted; but there was no name subscribed to it. It complained of the deep distress of the writer; of the neglect of his friends: and of his resources being nearly exhausted, concluding, "I am in such misery that there is nothing I would not undertake; but though I am convinced that you have not acted sincerely towards me, I still give way to a sentiment of which I was always the dupe to you: you will find inclosed, a bill of 25 *l.* Remember, be very prudent and circumspect in your conduct; do not expose yourself in making the most of it, whatever be your situation; but do not forget that I am very unhappy, and continue to send me something. Prove to me that you have a desire to oblige me. I hope you will not be indisposed at the receipt of my letter, and that you will answer me as speedily as possible." On 27th Dec. the prisoner, on his re-examination, being questioned how he had come by the note, said that he had received it in a letter from his brother at Altona; and that the cover of the letter was among the papers which had been seized at his lodgings; and on its being produced, he said that was the cover. The letter, date 22d Nov. 1797, was then folded up and shewn to him, and on

being asked if he knew the writing of the direction on the back of it, he replied, "I do;" and to the question whether it was his brother's writing, he answered, "Yes;" but on being asked the same question, after he had opened the letter, and read part of it, particularly the conclusion, he burst into a flood of tears, and said, "I do not! I do not know whose writing it is; nor is the letter intended for me." The letter was offered, to prove that the prisoner knew that the note which he uttered was a forged note. *Objected*, that as this letter had never been in the prisoner's possession; as it had not even been delivered at his lodgings until after he had been nearly a month in custody; and as his admission that the superscription of it was his brother's handwriting, could not affect him with any knowledge or adoption of the contents, it could not be read in evidence against him; and a case of a similar nature was cited to have occurred on the trial of Mr. Horne Tooke, for high treason, where the evidence of papers, found some days subsequent to the apprehension of the prisoner, in the handwriting of persons connected with the conspiracy charged, was rejected, because it did not appear that the papers existed prior to the prisoner being apprehended; and that it was impossible that a letter that did not arrive until a long time after the prisoner had been in custody, which had never been in his possession, and which he had never by any act of his own adopted, but which was merely the act of a stranger residing in a foreign country, and not proved to be connected with him in the offence charged, could be made to affect him by any rule of law. The *Court* received the evidence; but saved the case for the opinion of the twelve judges. The judges, it is said, held that the letter was inadmissible. The prisoner was pardoned. Rex *v.* Huet, Leach, 820; cor. Ashhurst, J., Rooke, J. and Thompson, B.; O. B. Feb. 1798.

11. *Proofs on an indictment for taking a False Oath to obtain Administration.*

1659. To convict on the 31 G. 2. c. 10, s. 24, for taking a false oath to obtain administration, the fact that the prisoner was the person who took the oath, must be positively sworn to, and cannot be inferred from circumstances: the reason of which, however, does not appear. Rex *v.* Brady, Leach, 327.

Indictment on 31 G. 2. c. 10. s. 24, for that the prisoner Thomas Brady, knowing that one Michael Power, deceased, was entitled to wages for serving on board the Pallas, took a false oath before Dr. Harris, surrogate, that Power was dead intestate, and that he, the prisoner, was his brother and next of kin, with intent to obtain administration, in order to receive such wages. *Case:* The prisoner, accompanied by another seaman, went, in November 1783, to Mr. Macintosh, the navy agent, told him that he had a brother who had died on board the Pallas, that he wanted to administer to him, to receive his wages, that his name was Thomas Power, and that he had neither parent, brother, nor sister living; Macintosh believing this account to be true, introduced him to Mr. Shepherd, who witnessed the warrant in the registry of the Prerogative Court of Canterbury, by which it appeared that a man, calling himself Thomas Power, had taken the usual oath, namely, that "Michael Power died a batchelor, intestate, without parent, and that *he* was the natural and lawful brother of the deceased;" which warrant was signed by the name of Thomas Power, and the jurat was attested by Dr. Harris: but who the man was that had so taken this oath, or whether the signature was the handwriting of the prisoner, Shepherd could not tell. It also appeared, that a man who called himself Thomas Power, had signed the bond; that the bond was witnessed by Macintosh and one Thomas Cruso; but Macintosh could not tell who the person was who had so signed it, and Cruso could not be found. It appeared likewise, that in Jan. 1784, the prisoner applied to a Mr. Charles Pinkston, a clerk to Mr. Harper, a navy agent, in the name of Thomas Brady, with a certificate signed by the purser of the Pallas, and an order to receive some prize-money; that while he was thus waiting in Mr. Harper's office, Macintosh accidentally came in, and finding that he was using a different name, had him taken up on suspicion; and upon inquiry, it turned out that his real name was Thomas Brady, that he had been an able seaman on board the Pallas, and that there was another able seamen on board the same ship of the name of Michael Power, but that he had no brother. *Held*, that the evidence was not sufficient to convict. At common law, perjury is a misdemeanor only, but by this statute this particular species of perjury is converted into a particular felony; it is still, however, incumbent on the prosecutor to fit the evidence to the particular fact, and to prove every circumstance which is necessary to bring it within the range of the law, not only by clear, precise, and exact evidence, but by the best evidence that is possible to be produced. Now on the present indictment, the gist of the crime is the taking the false oath; and there is no instance where an indictment for perjury has been supported without direct and positive proof that the party took the oath on which the perjury is assigned, or where the evidence of that fact has been attempted to be supplied by inference from evidence of the other circumstances of the case. In the present case there is certainly no express direct evidence, that the prisoner took the oath in question, but circumstantial evidence only. The fact of a prisoner's having taken the oath, requires as distinct a proof as the fact does of his having executed the bond; but Mr. Shepherd's memory will not serve him as to the person who took the oath; and Dr. Harris not being here, there is no direct proof of it. The evidence, therefore, is defective; for there certainly is a possibility, from any thing that has been given in evidence to the contrary, that the prisoner might have gone through all the rest of the fraud, and have avoided the circumstance of taking the oath, especially as he probably knew that the taking of the oath was a capital felony. If this were an indictment for perjury at common law, it would have been incumbent on the prosecutor to give precise and positive proof that the prisoner was the person who took the oath; and it is equally incumbent on him so to do on the present occasion; for the part where the proof is defective, is the very point on which his guilt or innocence turns. The prosecutor then requested that the case might be saved for the opinion of the judges, on a question, whether, in an indictment on this statute, it was necessary to have direct proof of the prisoner having taken the oath, or whether that fact might not be inferred by the jury from the other circumstances of the case. The court then told the jury, that if, notwithstanding the above observations, they were satisfied that the prisoner actually took the oath, they might find him guilty; but that as that fact was not clearly proved, they ought to acquit him. The jury found not guilty. Rex *v.* Brady, Leach, 327; cor. Adair, Rec.; O. B. July 1784.

—No. 3.—

ANALYSIS

OF A

DRAFT OF A BILL TO CONSOLIDATE, AMEND, AND DECLARE THE LAW OF FORGERY.

Preamble.

REPEAL of all former enactments. p. 188.

Section the First.

General Provisions.

Death sans clergy for forging a deed, will, testament, bond, writing obligatory, bill, note, indorsement or acceptance thereof, acquittance for money or its equivalent, or for goods, accountable receipt for a security for money, or warrant for payment of money or delivery of goods. p. 189.

It shall be transportable felony to forge an acquittance, release, or other discharge, not falling within any other provision of this act. p. 189.

It shall be transportable felony to forge the bill, note, undertaking or order of a foreign state; and to utter the same when forged. But this enactment shall have no influence upon the antecedent enactments, or the existing law. p. 189.

It shall be a misdemeanor to engrave the bill, note, undertaking or order of a foreign state; or by means of such engraving to make such bill, note, undertaking or order; or to have such engraving, or an impression from the same, in one's possession. But this enactment shall have no influence upon the antecedent enactments or the existing law. p. 190.

It shall be a capital felony to acknowledge a fine, recovery, deed enrolled, statute, recognizance, bail or judgment, in another's name. p. 191.

It shall be felony to personate another as bail before commissioners. p. 191.

Forgeries not otherwise provided for by this or any statute shall be misdemeanors, unless by the common law they are crimes of a higher degree. p. 191.

Personating another, not specially provided for by this or any other statute, shall be a misdemeanor. p. 191.

An intention to defraud a corporation shall be a fraudulent intention within this statute. p. 192.

A counterfeit shall be a forgery, notwithstanding it is deficient in legal formalities. p. 192.

Uttering a true instrument through the medium of a false representation shall be equally penal as uttering a forged instrument. p. 192.

In enactments against uttering forged writings, the words 'as true' may be rejected. p. 192.

In prosecutions for forging or uttering, or having in possession forged instruments, the circumstance that the instrument, if genuine, would subject a person to loss or liability, shall not render him an incompetent witness. p. 192.

A warrant or order, though not compulsory, shall be a warrant or order within this statute. p. 192.

Bills, notes, warrants, orders, and accountable receipts, in the alternative only, shall nevertheless be within this statute. p. 192.

An indorsement or acceptance by procuration shall be an indorsement or acceptance within this act. p. 193.

The destruction of a writing shall be equally penal as forging that writing. p. 193.

Section the Second.

Public Funds.

Death sans clergy for forging any power to transfer stock or annuity, or to receive annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have stock or annuity transferred, or annuity or dividend received under such forged power; and for personating the proprietor of stock, annuity or dividend. p. 193.

Felony, with seven years transportation, or other lesser punishment, for forging an attestation to a power to transfer stock, annuity or other funds, or to receive dividends; and for uttering the same. p. 194.

Death sans clergy for making a transfer in the bank-books, of stock, annuity or other funds transferrable at the bank, in the name of one not the proprietor. p. 194.

Death sans clergy for forging a transfer of stock, annuity or other funds; and for uttering such forged transfer. p. 194.

Death sans clergy for making a false entry, or altering an entry in the bank-books; and for falsifying the accounts therein. p. 195.

Seven years transportation for a servant of the bank making out a false dividend-warrant. p. 195.

Death sans clergy for forging any power to transfer *certain* stock or annuity; or to receive *certain* annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have *certain* stock or annuity transferred, or *certain* annuity or dividend received under such forged power; and for personating the proprietor of *certain* stock, annuity or dividend. p. 195.

Death sans clergy for forging *certain* dividend-warrants or indorsement thereon; and for uttering the same; and for demanding the contents thereof. p. 196.

Death sans clergy for making a transfer in the bank-books of *certain* stock or annuity in the name of one not the proprietor. p. 196.

Death sans clergy for forging transfers of *certain* stock or annuity; and for uttering the same. p. 196.

Death sans clergy for making a false entry, or altering an entry in *certain* bank books; and for falsifying the accounts therein. p. 197.

Seven years transportation for a servant of the bank making out a *certain* false dividend-warrant. p. 197.

Death sans clergy for forging *certain* certificates or duplicate certificates; and for uttering the same. p. 197.

Section the Third.

Bank of England.

Death sans clergy for forging the bank seal, or a bank-note, bill, dividend-warrant or bond, or an indorsement thereon; and for uttering the same; and for demanding payment thereof. p. 198.

It shall be felony to erase an indorsement upon a bank-bill or note; and to utter the same; and to demand payment thereof. p. 198.

It shall be a transportable felony to purchase or receive forged bank securities; and to be in possession thereof. p. 198.

Death sans clergy for making use or being in possession of instruments for making paper with the words 'Bank of England' therein; and for making such paper. p. 199.

It shall be a transportable felony to make or use, or be in possession of, instruments for making paper of a certain description; and to make, utter, or be in possession of such paper. p. 199.

It shall be a transportable felony to engrave bank-notes or bills; and to use or be in possession of such engraving; and to utter or be in possession of engraved paper. p. 200.

It shall be a transportable felony to engrave bank-notes of a certain description; and to use or be in possession of such engraving; and to utter an engraved note. p. 200.

It shall be a transportable felony to engrave certain parts of bank-notes of a certain description; and to use or be in possession of such engraving; and to utter or be in possession of paper engraved therewith. p. 201.

The signature to certain bank-notes may be impressed by machinery. p. 202.

Certain acts exempted from the operation of the preceding enactments. p. 202.

Certain other acts exempted likewise. p. 203.

Section the Fourth.

Exchequer Bills.

Death sans clergy for forging exchequer bills, or indorsements thereon; and for tendering in payment any such; and for demanding any such to be exchanged for money or another bill. p. 203.

Section the Fifth.

East-India Company.

Death sans clergy for forging East-India bonds, or indorsements or assignments thereon; and for uttering any such. p. 203.

Section the Sixth.

South-Sea Company.

Death sans clergy for forging the South-Sea Company's seal, or their bonds, or indorsements or assignments thereon; and for uttering any such; and for demanding payment thereof. p. 204.

Section the Seventh.

Insurance.

Death sans clergy for forging the seals of the insurance companies, or their policies, bills or bonds; and for uttering any such; and for demanding payment of any such. p. 204.

Five hundred pounds penalty for the first offence, transportation for the second, of forging underwriter's signature to a declaration of return of premium; and for altering such declaration; and for uttering any such. p. 205.

Section the Eighth.

Plate.

Fourteen years transportation for forging the York, Exeter, Bristol, Chester, Norwich, or Newcastle-upon-Tyne marks; and for using the same; and for transposing genuine marks; and for uttering any such; and for having in one's possession forged marks. p. 205.

Fourteen years transportation for forging the Sheffield and Birmingham marks; and for using the same; and for transposing genuine marks, and for uttering any such, and for having in one's possession forged marks. p. 206.

Seven years transportation for forging the mark for marking gold wares of the lower standard, and for using the same; and for transposing genuine marks, and for uttering any such; and for having in one's possession forged marks. p. 206.

Death sans clergy for forging the mark to denote payment of duties; and for using the same; and for transposing genuine marks, and for uttering any such, and for having in one's possession forged marks. p. 207.

Section the Ninth.

Plate-Glass Company.

Death for forging the seal of the plate-glass company, or their deed; and for demanding the contents of any such. p. 208.

Section the Tenth.

Linen Company.

Death sans clergy for forging the seal of the English linen-company, or their instruments; and for uttering any such; and for demanding the contents thereof. p 208.

Section the Eleventh.

Linen.

Punishment for uttering forged Scotch or Irish linen-stamps. p. 209.

Section the Twelfth.

Norfolk and Norwich Weavers.

Twenty pounds penalty for forging certain seals; and for using any such; and for transposing seals. p. 209.

Twenty pounds penalty for forging the seal of the Kidderminster trade; and for using any such. p. 209.

Section the Thirteenth.

Banker.

Imprisonment for the first offence, transportation for the second, for making or using frames for manufacturing bankers paper; and for making or publishing such paper; and for causing bankers names to appear visible in the substance of paper. p. 210.

Imprisonment for the first offence, transportation for the second, for engraving plates with bankers bills or notes; and for using such plates; and for having in one's possession such plates; and for uttering bills or notes taken therefrom. p. 210.

Imprisonment for the first offence, transportation for the second, for engraving plates with subscriptions subjoined to bankers bills or notes; and for having in one's possession such plates. p. 211.

Section the Fourteenth.

Records.

Felony for avoiding certain records and process. p. 211.

Section the Fifteenth.

Butter.

Forty pounds penalty for forging the names or marks of particular dairymen on casks of butter. p. 211.

Section the Sixteenth.

Pawnbrokers.

Imprisonment for forging certain notes or memoranda; and for uttering any such. p. 212.

Section the Seventeenth.

Registration.

Punishment for forging certain documents relative to the registration of conveyances in Middlesex and Yorkshire. p. 212.

Section the Eighteenth.

Charity Brief.

Fine and imprisonment for forging stamps on charity-briefs. p. 213.

Section the Nineteenth.

Wreck.

Felony for altering or erasing marks on wreck. p. 213.

Section the Twentieth.

Army.

Death sans clergy for personating another entitled to dues, or his representative, relation, or creditor; and for forging instruments to obtain such dues; and for taking a false oath to obtain probate or administration; and for uttering any such. p. 214.

Five hundred pounds penalty for altering prize-lists. p. 214.

It shall be a misdemeanor to alter, by insertion, prize or bounty-orders. p. 214.

Section the Twenty-first.

Navy.

Death sans clergy for forging the name of the treasurer of the navy, or authorized person, to any writing to obtain money deposited in the bank; and for forging his draft; and for uttering any such. p. 215.

Death sans clergy for personating officers or seamen entitled to dues, or their representatives, relations or creditors; and for forging any authority or certificate; and for uttering such; and for taking a false oath to obtain probate or administration in order to receive naval-dues; and for demanding or receiving naval dues under a forged will or administration. p. 215.

Seven years transportation for signing a petition falsely representing one's self to be the relation of a deceased petty officer or seaman; and for uttering such; and for demanding naval dues upon a forged inspector of wills certificate. p. 216.

Felony, with transportation for life, fourteen or seven years, for forging parish minister's or householder's signature to certain certificates; and for uttering such. p. 217.

It shall be a misdemeanor to personate a relation in certain cases; or to receive prize-money, not being a relation, or licensed, or after license revoked. p. 217.

Punishment (inter alia) as a rogue and vagabond, for forging or erasing certain certificates. p. 217.

Punishment, as in cases of perjury, for petty officers or seamen receiving, or attempting to receive pay upon forged certificates of servitude or discharge; and for forging such certificates. p. 218.

Five hundred pounds penalty for erasing or altering prize-lists. p. 218.

It shall be a misdemeanor to alter orders for receiving prize-money. p. 218.

Twenty pounds penalty (inter alia) for one seaman personating another in relation to protections against impressment; and for forging such protections. p. 218.

Section the Twenty-second.

Chancery.

Death sans clergy for forging the signature of the accountant-general of the court of Chancery, the registrar, the clerk of the report-office, or a cashier, or for forging any writing of those persons; and for uttering any such. p. 218.

Section the Twenty-Third.

Exchequer.

Death sans clergy for forging the signature of the accountant-general of the court of Exchequer, or any of the barons, or clerk of the reports, or a cashier; and for forging any writing of those persons; and for uttering any such; and for demanding payment of any such. p. 219.

Section the Twenty-fourth.

Land Revenue.

Death sans clergy for forging signatures to transfers of certain funds, or to receipts for certain dividends, or to instruments to transfer such funds, or to receive such dividends, or to writings to obtain certain monies in custody of the bank; and for uttering any such. p. 219.

Section the Twenty-fifth.

Woods and Forests.

Death sans clergy for forging the signature of the surveyor-general or his deputy, or the commissioners of the woods and forests and land revenue; or their draft; and for uttering any such. p. 220.

Section the Twenty-sixth.

Admiralty.

Felony for forging the signature of the registrar of the Admiralty, or Prize-appeal court, or of a bank cashier, and for forging their writings; and for uttering any such. p. 220.

Section the Twenty-seventh.

Alien.

Imprisonment for forging alien certificates, and for obtaining such under other names, and for pretending to be the person therein described. p. 221.

Section the Twenty-eighth.

Coal-Meter.

Ten shillings penalty for altering coal-meters tickets. p. 222.

Punishment for delivering a forged ticket. p. 222.

What enactments are in force. p. 222. n.

Section the Twenty-ninth.

Election.

Five pounds penalty for altering or defacing certain duplicates. p. 223.

Section the Thirtieth.

Fisheries.

Five hundred pounds penalty for forging certain marks; and for uttering any such. p. 223.

Five hundred pounds penalty for forging or erasing certain certificates. p. 223.

Section the Thirty-first.

Gun-Barrel.

Twenty pounds penalty for forging gun-barrel marks; and for uttering any such. p. 223.

Section the Thirty-second.

Hawker.

Three hundred pounds penalty for forging a hawker's license; and for using such. p. 224.

Section the Thirty-third.

Hops.

One hundred pounds penalty for forging certain marks on hops; and twenty pounds penalty for defacing such marks. p. 224.

Section the Thirty-fourth.

Letters of Marque.

Five hundred pounds penalty for forging or erasing letters of marque, or certificates for obtaining the same; and for uttering any such. p. 224.

Section the Thirty-fifth.

Marriage.

Death sans clergy for falsifying marriage-register-books; and for forging entries therein, or licenses; and for uttering any such; and for destroying register-books. p. 225.

Section the Thirty-sixth.

Mediterranean Pass.

Death sans clergy for forging or erasing Mediterranean passes; and for uttering any such. p. 225.

Section the Thirty-seventh.

Parish Register.

Fourteen years transportation for falsifying certain register-books; and for destroying, defacing, or injuring any such; and for signing or certifying a false register. p. 226.

Section the Thirty-eighth.

Pilot.

Punishment for altering or obliterating certain license; and for assigning certain licenses. p. 226.

Section the Thirty-ninth.

Prefines.

Death sans clergy for forging the signature of the receiver of the prefines. p. 227.

Section the Fortieth.

Quarantine.

Death sans clergy for forging quarantine certificates; and for uttering any such, p. 227.

Section the Forty-first.

Receipt.

Death sans clergy for forging certain receipts. p. 227.

Section the Forty-second.

Russian and Prussian Subsidy.

Death sans clergy for forging certain instruments relating to the Russian and Prussian subsidy; and for uttering any such. p. 227.

Section the Forty-third.

Servant's Character.

Twenty pounds penalty for offering one's self with a forged certificate of character; or for altering a genuine certificate. p. 228.

Section the Forty-fourth.

Shipping.

Five hundred pounds penalty for forging or erasing certain certificates relative to ships; and for uttering any such. p. 228.

One hundred pounds penalty for forging or erasing certain certificates relative to boats; and for uttering any such. p. 228.

Section the Forty-fifth.

Slave Trade.

Death sans clergy for forging certain documents relative to the abolition of the slave-trade; and for uttering any such. p. 228.

Section the Forty-sixth.

Thread.

Ten pounds penalty, and forfeiture of the subject-matter, for forging a manufacturer's mark; and for uttering any such. p. 229.

Section the Forty-seventh.

Wax.

Punishment for forging marks on wax. p. 229.

Section the Forty-eighth.

Weights.

Punishment for forging stamps for marking weights for gold and silver coin, and for using any such; and for uttering any such; and for increasing or diminishing genuine weights. p. 229.

Section the Forty-ninth.

Woollens.

Forty shillings penalty for forging, removing, or defacing marks on cloth made in Yorkshire. p. 230.

Not exceeding forty, nor less than twenty shillings, for forging, removing or defacing marks on cloth made in Yorkshire; and for overstraining cloth. p. 230.

Section the Fiftieth.

Taxes.

Fifty pounds penalty for altering certain assessments. p. 231.

Section the Fifty-first.

Land Tax.

Death sans clergy for forging certain instruments relative to the redemption or sale of the land-tax; and for uttering any such. p. 231.

Section the Fifty-second.

Legacy.

Five hundred pounds penalty for altering certain assessments or receipts; and for uttering any such. p. 231.

Section the Fifty-third.

Letters.

It shall be a transportable felony to forge a frank, or the date thereof; or to use any such. p. 231.

It shall be a misdemeanor to forge certain marks authorized by 54 G. 3. c. 169. p. 232.

It shall be a misdemeanor to forge certain marks authorized by 55 G. 3. c. 103. p. 232.

Section the Fifty-fourth.

Post Office.

Death sans clergy for forging the signature of the receiver-general of the post-office, his clerk or deputy, to any writing, and for forging their draft; and for uttering any such. p. 232.

Death sans clergy for forging tickets, certificates or orders; and for uttering any such. p. 233.

Felony for forging shares or chances of tickets, or agreements for the same; and for uttering any such. p. 233.

Five hundred pounds penalty for forging lottery licenses; and for making use of any such. p. 233.

Section the Fifty-fifth.

National Debt.

Death sans clergy for forging certain certificates or orders; and for demanding the contents of any such; and for uttering any such. p. 234.

Section the Fifty-sixth.

Ordnance.

Death sans clergy for forging the signature of the treasurer of the Ordnance; or his draft; and for uttering any such. p. 234.

Section the Fifty-seventh.

Stamps.

Death sans clergy for privately or secretly using, with intent to defraud the king, the legitimate stamp or plate-duty die. p. 234.

Death sans clergy for fraudulently withdrawing the legitimate stamp-duty impression from any vellum, parchment or paper whatsoever, with intent to use the same for or upon any other vellum, parchment or paper, or any instrument or writing liable to duty; and for transposing, with intent to defraud the king, from

from gold or silver plate, or to base metal ware, the legitimate plate-duty impression; and for knowingly selling, exchanging, exposing to sale, or exporting with intent to defraud the king, gold or silver plate, or base metal ware, to which the legitimate plate-duty impression has been transposed from gold or silver plate.—Felony, with not exceeding seven years transportation, for fraudulently withdrawing the legitimate stamp-duty impression from playing cards, with intent to use the same for any other substance liable to duty. p. 235.

Death sans clergy for fabricating, with intent to defraud the king, a die in imitation of the legitimate stamp-duty die; and for wilfully, and without excuse (the proof of which is thrown upon the accused), having in possession a die in imitation of the legitimate plate-duty die. p. 236.

Death sans clergy for impressing, with intent to defraud the king, any vellum, parchment, paper, card, ivory or other material, with a die in imitation of, or (with respect to vellum, parchment or paper) of any part of the legitimate stamp-duty die; and for counterfeiting upon any vellum, parchment, paper, card, ivory or other material, with intent to defraud the king, the impression, or (with respect to vellum, parchment or paper) any part of the impression, of the legitimate stamp-duty die; and for impressing, with intent to defraud the king, any paper with a die in imitation of or of any part of the legitimate stamp-duty die for almanacks, newspapers and stage-coach licenses; and for counterfeiting upon any paper, with intent to defraud the king, the impression of or of any part of the legitimate stamp-duty die for almanacks, newspapers and stage-coach licenses; and for impressing, with intent to defraud the king, gold or silver plate, with a die in imitation of the legitimate plate-duty die; and for counterfeiting, with intent to defraud the king, upon gold or silver plate, the impression of the legitimate plate-duty die; and for impressing, with intent to defraud the king, base metal ware, with a die in imitation of the legitimate plate-duty die; and for knowingly uttering, selling or exposing to sale, with intent to defraud the king, any vellum, parchment, paper, card, ivory or other material, impressed with a die in imitation of, or (with respect to vellum, parchment or paper) of any part of the legitimate stamp-duty die; and for knowingly uttering, selling or exposing to sale, with intent to defraud the king, any vellum, parchment, paper, card, ivory or other material, with a counterfeit impression of, or (with respect to vellum, parchment or paper) of any part of the legitimate stamp-duty die; and for knowingly uttering, selling or exposing to sale, with intent to defraud the king, any paper impressed with a die in imitation of the legitimate stamp-duty die for almanacks, newspapers and stage-coach licenses; and for knowingly uttering, selling or exposing to sale, with intent to defraud the king, any paper having thereon a counterfeit impression of the legitimate stamp-duty die for almanacks, newspapers and stage-coach licenses; and for knowingly selling, exchanging, exposing to sale, or exporting, with intent to defraud the king, gold or silver plate impressed with a die in imitation of the legitimate plate-duty die; and for knowingly selling, exchanging, exposing to sale or exporting, with intent to defraud the king, gold or silver plate, having thereon a counterfeit impression of the legitimate plate-duty die; and for knowingly selling, exchanging, exposing to sale or exporting, with intent to defraud the king, base metal ware impressed with a die in imitation of the legitimate plate-duty die; and for knowingly selling, exchanging, exposing to sale or exporting, with intent to defraud the king, base metal ware, having thereon a counterfeit impression of the legitimate plate-duty die. p. 236.

Penalty for using an ace of spades, &c. already used. p. 239.

Penalty for selling or buying an ace of spades, &c. already used. p. 239.

But one offender informing against the other shall be exempted from penalties. p. 239.

Penalty for forging post-horse tickets; and for uttering any such. p. 239.

Penalty for removing or transposing medicine stamps; and for uttering any such. p. 239.

Penalty for selling or buying medicine-wrappers already used; and for selling any packet inclosed in the same. p. 240.

Penalty for selling, or being in possession of, thread lace with a counterfeit mark or handwriting thereto; and for using a mark or handwriting a second time. p. 240.

Excise.

Penalty for forging or erasing excise permits; and for uttering any such. p. 24.

Death sans clergy for forging excise debentures, or certificates for payment or return of money; and for uttering any such. p. 241.

Felony for forging excise debentures in any other case; and for uttering any such. p. 241.

Seven years transportation for forging or erasing excise certificates; and for uttering any such. p. 241.

Death sans clergy for forging the signature of the receiver-general, or comptroller of the excise, or other authorized person; and for forging their draft; and for uttering any such. p. 241.

Death sans clergy for making or being possessed of excise paper-frames; and for making excise-paper; and for forging excise permit-stamps. p. 242.

Customs.

Penalty for forging or erasing custom-house warrants, or indorsements thereon. p. 242.

Penalty for forging or erasing custom-house warrants in any other case. p. 242.

Penalty for forging or erasing admiralty or customs licenses; and for uttering any such. p. 243.

Death sans clergy for forging customs debentures or certificates for payment of money; and for uttering any such. p. 243.

Penalty for altering or defacing marks on packages shipped. p. 243.

Death sans clergy for forging certain customs-stamps, or their impression. p. 243.

Penalty for being in possession of forged impressions or stamps. p. 244.

Death sans clergy for forging the signature of the receiver-general of the customs, or his supervisor; and for forging their draft; and for uttering any such. p. 244.

Section the Fifty-eighth.

Procedure against offences under Sections. p. 244.

Section the Fifty-ninth.

Procedure against offences under Sections. p. 244.

Section the Sixtieth.

Procedure against offences under Sections. p. 244.

Section the Sixty-first.

Recovery and application of penalties under Sections. p. 245.

Section the Sixty-second.

Recovery and application of penalties under Sections. p. 245.

Section the Sixty-third.

Recovery and application of penalties under Sections. p. 245.

Section the Sixty-fourth.

This Act shall not extend to Ireland. p. 245.

— No. 3. *continued.*—

DRAFT OF A BILL TO CONSOLIDATE, AMEND, AND DECLARE THE LAW OF FORGERY.

WHEREAS it is expedient to consolidate, amend and declare the Law relative to the crime of Forgery, and to certain other Offences hereinafter specified (1): **Be it therefore Enacted**, by The KING's Most

(1) The following are the statutes against forgery, and the other offences connected therewith, as noticed in the *Code*:—1 Hen. 5. c. 3.—7 Hen. 5. c. 2.—26 Hen. 8. c. 2.—5 Eliz. c. 14.—23 Eliz. c. 8. s. 6.—39 Eliz. c. 17. s. 3; c. 20. s. 7. 9, 10.—43 Eliz. c. 3. s. 13.—21 Jac. 1. c. 26. s. 2.—12 Car. 2. c. 22. s. 4.—13 & 14 Car. 2. c. 5. s. 14; c. 11. s. 8; c. 32.—22 & 23 Car. 2. c. 8. s. 13.—4 W. & M. c. 4. s. 4.—5 W. & M. c. 5. s. 4; c. 20. s. 45; c. 21. s. 11; c. 22.—6 & 7 W. 3. c. 18. s. 30.—7 & 8 W. 3. c. 21. s. 15; c. 22. s. 10.—8 & 9 W. 3. c. 20. s. 36.—9 & 10 W. 3. c. 2. s. 3; c. 25. s. 59; c. 27. s. 5; c. 41. s. 3; c. 43. s. 5.—12 & 13 W. 3. c. 4. s. 8.—1 Anne, st. 2. c. 22. s. 2.—2 & 3 Anne, c. 3. s. 23; c. 4. s. 19.—4 Anne, c. 14. s. 3.—5 Anne, c. 18. s. 8.—6 Anne, c. 35. s. 26.—7 Anne, c. 13. s. 4; c. 20. s. 15.—8 Anne, c. 9. s. 41.—9 Anne, c. 11. s. 44; c. 21. s. 57; c. 23. s. 34.—10 Anne, c. 16. s. 2; c. 19. ss. 97. 115. 163; c. 26. s. 72.—1 Geo. 1. st. 2. c. 25. s. 6.—3 Geo. 1. c. 8. s. 40.—5 Geo. 1. c. 2. s. 9.—6 Geo. 1. c. 4. ss. 56. 91; c. 10; c. 11. s. 50; c. 18. s. 13; c. 21. ss. 55. 60.—8 Geo. 1. c. 20. s. 20; c. 22. s. 1.—9 Geo. 1. c. 12. s. 4.—10 Geo. 1. c. 10. s. 22.—11 Geo. 1. c. 9. s. 6; c. 24. ss. 4. 8. 16; c. 30. s. 13.—12 Geo. 1. c. 32. s. 9.—13 Geo. 1. c. 24. s. 2.—2 Geo. 2. c. 25. s. 1; c. 36. s. 13.—4 Geo. 2. c. 9. s. 9; c. 18.—7 Geo. 2. c. 22.—8 Geo. 2. c. 6, s. 31.—9 Geo. 2. c. 34. s. 8; c. 37. s. 2.—11 Geo. 2. c. 27. s. 9; c. 28. s. 7.—12 Geo. 2. c. 26. s. 8; c. 30. s. 15.—15 Geo. 2. c. 13. s. 11.—17 Geo. 2. c. 5. s. 18; c. 30. s. 1.—18 Geo. 2. c. 9. ss. 46. 50; c. 24. ss. 3, 4; c. 25. s. 4.—19 Geo. 2. c. 12. ss. 72. 76; c. 27. s. 6.—20 Geo. 2. c. 38. s. 4.—21 Geo. 2. c. 30. s. 15.—23 Geo. 2. c. 24. s. 3; c. 29. ss. 8. 14.—24 Geo. 2. c. 41. ss. 12. 16. 19. 22; c. 51. s. 5.—26 Geo. 2. c. 21. s. 5; c. 33. s. 16.—29 Geo. 2. c. 12. s. 21; c. 13. ss. 5. 8; c. 23. s. 14.—30 Geo. 2. c. 1. s. 5; c. 5. s. 16; c. 9. s. 4; c. 19. ss. 27. 63. 68.—31 Geo. 2. c. 10. s. 24; c. 22. ss. 55. 77, 78; c. 32. s. 15.—32 Geo. 2. c. 10. ss. 14. 39; c. 14. s. 9; c. 35. s. 8.—33 Geo. 2. c. 9. s. 12; c. 28. s. 12.—1 Geo. 3. c. 7. s. 33.—2 Geo. 3. c. 36. s. 8.—3 Geo. 3. c. 12. s. 53; c. 16. s. 6.—4 Geo. 3. c. 1. s. 43; c. 15. s. 32; c. 24. s. 8; c. 25. s. 15; c. 37. ss. 15. 26.—5 Geo. 3. c. 12. ss. 17, 18. 37. 39; c. 35. s. 6; c. 46. ss. 13, 14. 40; c. 47. s. 8; c. 51. s. 18.—6 Geo. 3. c. 23. s. 11.—7 Geo. 3. c. 23. s. 11; c. 43. ss. 14, 15. 18; c. 44. s. 5.—8 Geo. 3. c. 21. ss. 76. 91.—9 Geo. 3. c. 13. s. 41; c. 23. s. 38; c. 30. s. 6; c. 38. s. 10; c. 41. s. 5.—11 Geo. 3. c. 29. s. 96.—12 Geo. 3. c. 48. s. 1.—13 Geo. 3. c. 38. s. 28; c. 52. s. 14; c. 56. s. 5; c. 59. s. 2; c. 79.—14 Geo. 3. c. 11. s. 1; c. 72. ss. 8. 10; c. 92. s. 5.—15 Geo. 3. c. 10. s. 16; c. 18. s. 10; c. 31. s. 32.—16 Geo. 3. c. 5. s. 36; c. 34. ss. 15. 35.—17 Geo. 3. c. 50. s. 25.—18 Geo. 3. c. 18.—19 Geo. 3. c. 21. ss. 10. 17; c. 51. s. 34; c. 66. s. 8; c. 69. s. 28.—20 Geo. 3. c. 17. s. 4; c. 28. s. 6; c. 42. s. 11; c. 51. s. 47.—21 Geo. 3. c. 24. s. 31; c. 56. s. 9.—22 Geo. 3. c. 33. s. 6; c. 47. ss. 8. 22; c. 68. s. 26; c. 73. s. 5; c. 81. s. 9.—23 Geo. 3. c. 49. s. 20; c. 50. s. 10 c. 58. s. 11; c. 62. ss. 8, 9. 11; c. 70. ss. 9, 10; c. 76. s. 5; c. 79. s. 9.—24 Geo. 3. st. 2. c. 20. ss. 2. 4; c. 30. s. 5; c. 37. s. 9; c. 40. s. 25; c. 43. s. 16; c. 51. ss. 11, 12. 15; c. 53. s. 16.—25 Geo. 3. c. 31. s. 10; c. 48. s. 10; c. 50. s. 19; c. 51. s. 55; c. 55. ss. 11, 12. 15; c. 72. ss. 17. 23; c. 78. s. 5; c. 79. s. 17; c. 80. s. 30; c. 81. ss. 39. 50.—26 Geo. 3. c. 40. s. 10; c. 41. s. 16; c. 49. ss. 14, 15. 24; c. 50. s. 29; c. 51. ss. 6. 14; c. 59. ss. 39, 40; c. 60. s. 41; c. 78. ss. 13. 15; c. 81. s. 39; c. 83. s. 8; c. 108.

Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, the several Acts and Enactments relative to the crime of Forgery; relative also to the crimes of Having in Possession, Importing, and Uttering Fabrications; relative also to crimes which relate to the Tools of Fabrication; relative also to the crimes of Erasing and Abusing Genuine Instruments and Documents, of Personating another to get Possession of Property, and of taking a false Oath for a similar purpose; and relative also to the crimes of Receiving, Offering, and Endeavouring to Receive another man's dues, shall be and the same are hereby Repealed; save and except in as far as the same may have repealed any prior Act or Enactment, or may be expressly confirmed by this present Act.

Repeal of all former Enactments.

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ss. 10. 16.—27 Geo. 3. c. 13. s. 46; c. 31. ss. 12–14; c. 32. s. 14; c. 37. s. 6; c. 43. s. 4.—28 Geo. 3. c. 17. s. 3; c. 20. s. 20; c. 36. s. 36; c. 38. s. 24; c. 40. s. 11.—29 Geo. 3. c. 26. s. 12; c. 41. s. 36; c. 50. s. 13; c. 51. s. 8; c. 57. s. 6; c. 58. s. 17; c. 68. ss. 48. 125. 137.—30 Geo. 3. c. 34. s. 11; c. 46. s. 23.—31 Geo. 3. c. 21. s. 5; c. 25. s. 29.—32 Geo. 3. c. 7. s. 9; c. 33. s. 23; c. 34. ss. 29, 30; c. 50. s. 6; c. 54. ss. 1. 3; c. 55. s. 9; c. 56. s. 4; c. 67. s. 12.—33 Geo. 3. c. 4. s. 25; c. 29. s. 48; c. 30; c. 62. s. 35.—34 Geo. 3. c. 14. s. 14; c. 20. ss. 9, 10. 25. 48.—35 Geo. 3. c. 5. s. 30; c. 28. s. 30; c. 30. s. 4; c. 49. s. 31; c. 55. s. 17; c. 58. s. 10; c. 63. s. 23; c. 66. ss. 3, 4, 5. 7, 8, 9, 10; c. 92. s. 39; c. 93. s. 7; c. 94. s. 34; c. 114. s. 2; c. 118. s. 5; c. 127. s. 50.—36 Geo. 3. c. 6. s. 13; c. 52. ss. 39, 40; c. 86. s. 9; c. 87. s. 8; c. 125. ss. 9. 19.—37 Geo. 3. c. 4. s. 45; c. 46. ss. 3, 4, 5. 7, 8, 9, 10; c. 72. s. 5; c. 90. s. 5; c. 111. s. 5; c. 122. s. 1.—38 Geo. 3. c. 16. s. 95; c. 50. s. 19; c. 53. s. 18; c. 54. ss. 6. 9, 10; c. 60. s. 118; c. 63. s. 11; c. 69. s. 7; c. 89. s. 131; c. 17. s. 23.—39 Geo. 3. c. 107. s. 25.—39 & 40 Geo. 3. c. 80. s. 27; c. 81. s. 4; c. 99. s. 9.—41 Geo. 3. c. 21. ss. 20. 26; (U. K.) c. 3. s. 24; (U. K.) c. 10. s. 8; (U. K.) c. 27. ss. 11. 35; (U. K.) c. 39. ss. 1. 5, 6; (U. K.) c. 51. s. 22; (U. K.) c. 57; (U. K.) c. 75. s. 7; (U. K.) c. 86. s. 16; (U. K.) c. 91. s. 5.—42 Geo. 3. c. 1. s. 42; c. 8. s. 26; c. 14. s. 6; c. 54. ss. 42. 47; c. 56. ss. 13, 14. 20; c. 58. s. 20; c. 63. s. 14; c. 92. s. 13; c. 116. s. 194.—43 Geo. 3. c. 28. s. 22; c. 68. s. 35; c. 99. ss. 25. 51; c. 119. s. 17; c. 122. s. 217; c. 126. s. 11; c. 127. s. 8; c. 139; c. 155. ss. 17. 46.—44 Geo. 3. c. 84. s. 3; c. 93. s. 11; c. 98. s. 9; c. 100. s. 16.—45 Geo. 3. c. 10. s. 30; c. 28. s. 8; c. 49. s. 209; c. 72. ss. 60. 102. 110. 121; c. 89; c. 99. s. 9.—46 Geo. 3. c. 45. s. 9; c. 65. s. 202; c. 69. s. 8; c. 69. s. 9; c. 75. s. 8; c. 76. s. 9; c. 81. ss. 11. 19; c. 83. s. 9; c. 92. ss. 11–14; c. 98. s. 8; c. 102. s. 40; c. 112. s. 2; c. 142. s. 14; c. 150. s. 10.—47 Geo. 3. sess. 1. c. 36. s. 12; c. 55. s. 8.—sess. 2. c. 9. ss. 11. 33. 39; c. 25. s. 7; c. 25. s. 8; c. 59. s. 3; c. 66. s. 26.—48 Geo. 3. c. 1. s. 9; c. 38. s. 12; c. 69. s. 9; c. 110. ss. 50, 51; c. 130. s. 8; c. 134. s. 2; c. 142. s. 27; c. 149. s. 7.—49 Geo. 3. c. 35. s. 9; c. 35. s. 10; c. 45. s. 10, 11; c. 64. s. 3; c. 81. s. 1; c. 92. s. 5; c. 94. ss. 11. 41; c. 108. s. 10; c. 113. s. 12; c. 123. ss. 13, 14. 28. 36.—50 Geo. 3. c. 23. s. 11; c. 35. s. 6; c. 41. s. 18; c. 65. s. 18.—51 Geo. 3. c. 15. s. 71; c. 61. s. 5; c. 121. s. 7.—52 Geo. 3. c. 127. s. 13; c. 129. s. 8; c. 138. s. 5; c. 143. ss. 5–10; c. 146. s. 14; c. 152. s. 16.—53 Geo. 3. c. 41. ss. 26. 27; c. 53. ss. 32, 33; c. 115. s. 9; c. 140. s. 5; c. 151. s. 12; c. 155. s. 120.—54 Geo. 3. c. 13. s. 5; c. 70. s. 38; c. 86. ss. 8. 28. 43; c. 93. ss. 21. 43. 69. 89; c. 110. s. 6; c. 121. s. 7; c. 133. s. 10; c. 147. s. 7; c. 148. s. 5; c. 149. s. 19; c. 151. s. 16; c. 155. s. 15; c. 169. s. 14.—55 Geo. 3. c. 29. s. 15; c. 54. ss. 17. 20; c. 59. ss. 6, 7; c. 60. ss. 29–31, 32; c. 103. s. 14; c. 153. s. 47; c. 160. s. 62; c. 184. s. 7; c. 185. ss. 6, 7.—56 Geo. 3. c. 43. s. 12; c. 86. s. 14; c. 101. s. 4.—57 Geo. 3. c. 20. s. 10; c. 34. ss. 2. 63; c. 79. s. 13; c. 127. s. 4.—58 Geo. 3. c. 23. s. 38; c. 41. s. 9.—59 Geo. 3. c. 19. s. 2; c. 20. s. 2; c. 56. s. 18.—1 Geo. 4. c. 35. s. 27; c. 58. ss. 6. 11. 13; c. 72. s. 33; c. 92.—1 & 2 Geo. 4. c. 49. ss. 3, 4; c. 73. s. 15.—3 Geo. 4. c. 18; c. 51; c. 77; c. 86; c. 113; c. 122.

Section the First.

General Provisions.

2. And be it further Enacted, That if any person or persons, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever, shall falsely make, forge or counterfeit any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acceptance of any bill of exchange, or any acquittance or receipt, either for money, bank-notes, or other equivalent of money (1) or for goods, or any accountable receipt for any note, bill or other security for payment of money, or any warrant or order for payment of money or delivery of goods; or with a like intention shall utter or publish, or shall offer, dispose of, or put away any false, forged or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acceptance of any bill of exchange, acquittance or receipt, either for money, security for money or goods, acquittance, release or other discharge of any account, action, suit, demand or other thing, accountable receipt for any note, bill or other security for payment of money, warrant or order for payment of money or delivery of goods, knowing the same to be false, forged or counterfeited; then every person or persons so offending, or causing or procuring, or aiding, abetting or assisting in such offence, and being thereof lawfully convicted, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy: This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever to every part of Great Britain (2).

Death sans clergy for forging a deed, will, testament, bond, writing obligatory, bill, note, indorsement or acceptance thereof, acquittance for money, or its equivalent, or for goods, accountable receipt for a security for money, or warrant for payment of money or delivery of goods.

3. And be it further Enacted, That if any person or persons, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever, shall falsely make, forge or counterfeit any acquittance, release or other discharge of any debt, account, action, suit, demand or other thing, not falling within the terms of any former provision of this statute; or with a like intention shall utter or publish, or shall offer, dispose of, or put away any such false, forged or counterfeited acquittance, release or discharge; then every person so offending, or causing or procuring, or aiding, abetting or assisting in such offence, and being thereof lawfully convicted, shall be deemed guilty of felony, and shall be transported for the term of his natural life (3).

It shall be a transportable felony to forge an acquittance, release or other discharge, not falling within any other provision of this act.

4. And be it further Enacted, That if any person shall within any part of the United Kingdom of *Great Britain* and *Ireland*, falsely make, forge or counterfeit any bill of exchange, or any promissory note, undertaking or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking or order for the payment of money, of any foreign prince, state or country whatsoever, or of any minister or officer intrusted by or employed in the service of any foreign prince, state or country, or of any person or company of persons resident in any foreign state or country, or of any body politic or corporate, or body in the nature of a body politic or corporate, created or constituted by any foreign prince or state, with intent to deceive or defraud His Majesty, his

It shall be a transportable felony to forge the bill, note, undertaking or order of a foreign state; and to utter the same when forged.

(1) Vide page 71. pl. 1171. of the Code, for the reason of this Enactment.
(2) Corresponding with pl. 1. of the Consolidating Process.
(3) Corresponding with one part of pl. 3. of the Consolidating Process.

his heirs and successors, or any such foreign prince, state or country, or with intent to deceive or defraud any person or company of persons whomsoever, or any body corporate or politic, or body in the nature of a body corporate or politic whatsoever, whether the same be respectively resident, carrying on business, constituted or being in any part of the United Kingdom, or in any foreign state or country; and whether such bill of exchange, promissory note or order be in the English language or in any foreign language or languages, or partly in one and partly in the other; or if any person shall within any part of the said United Kingdom tender in payment or in exchange, or otherwise utter or publish as true any such false, forged or counterfeited bill of exchange, promissory note, undertaking or order as last aforesaid, knowing the same to be false, forged or counterfeited, with intent to deceive or defraud His Majesty, his heirs and successors, or any foreign prince, state or country, or any person or company of persons, or any body corporate or politic, or body in the nature of a body politic or corporate as last aforesaid; then every person so offending, or causing or procuring, or aiding, abetting or assisting in such offence, shall be deemed and taken to be guilty of and being thereof lawfully convicted, shall be for any term of years not exceeding years: Provided always, that nothing in this enactment contained shall extend or be construed to extend in any manner whatsoever to repeal or alter any other enactments in this Act contained, or any other law or statute now in force for the prevention or punishment of the crime of forgery, in any respect whatsoever, within any part of the said United Kingdom (*).

But this enactment shall have no influence upon the antecedent enactments or the existing law.

It shall be a misdemeanor to engrave the bill, note, undertaking or order of a foreign state; or by means of such engraving to make such bill, note, undertaking or order; or to have such engraving or an impression from the same in one's possession.

5. And be it further Enacted, That no person shall within any part of the said United Kingdom, engrave, cut, etch, scrape, or by any other means or device make, in or upon any plate whatsoever, any bill of exchange, or any promissory note or undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking or order of any foreign prince, state or country, or of any minister or officer intrusted by or employed in the service of any foreign prince, state or country, or of any person or company of persons resident or being in any foreign state or country, or of any body corporate or politic, or body in the nature of a body corporate or politic, or constituted by any foreign prince or state, or any part of any such bill of exchange, promissory note, undertaking or order, without an authority in writing for that purpose from such foreign prince, state or country, minister or officer, person, company of persons, or body corporate or politic, or body in the nature of a body corporate or politic, or from some person duly authorized to give such authority; or shall within any part of the said United Kingdom, without such authority as aforesaid, by means of any such plate, or by any other device or means, make or print any such foreign bill of exchange, promissory note, undertaking or order for the payment of money, or any part thereof; or knowingly, wilfully and without lawful excuse (the proof whereof shall lie upon the party accused) have in his or her custody any such plate or device, or any impression taken from the same; and if any person shall offend in any of the cases in this enactment aforesaid, or if any person shall cause or procure, aid abet or assist in committing any such offence, he shall be deemed and taken to be guilty of a and shall be liable, for the first offence, to be imprisoned for any time not exceeding months, or to be fined, or to be publicly or privately whipped, or to suffer one or more of the said punishments; and for the second offence to be transported to any of His Majesty's colonies or plantations for the term

(*) Corresponding with pl. 15. of the Consolidating Process.

term of years: Provided always, that nothing in this enactment contained shall extend or be construed to extend in any manner whatsoever to repeal or alter any other enactments in this Act contained, or any other law or statute now in force for the prevention or punishment of the crime of forgery, in any respect whatsoever, within any part of the said United Kingdom (5).

But this enactment shall have no influence upon the antecedent enactments or the existing law.

6. And be it further Enacted, That all and every person or persons which shall acknowledge or procure to be acknowledged any fine or fines, recovery or recoveries, deed or deeds enrolled, statute or statutes, recognizance or recognizances, bail or bails, judgment or judgments, in the name or names of any other person or persons not privy or consenting to the same, shall be deemed guilty of (6).

It shall be a capital felony to acknowledge a fine, recovery, deed enrolled, statute, recognizance, bail or judgment in another's name.

7. And be it further Enacted, That any person or persons who shall, before any person or persons, empowered by virtue of an Act passed in the fourth and fifth years of King *William* and Queen *Mary*, intituled, 'An Act for taking special bails in the country upon actions and suits depending in the courts of King's Bench, Common Pleas, and Exchequer at Westminster,' or by virtue of an Act passed in the twenty-seventh year of King *George* the Third, intituled, 'An Act for taking and swearing affidavits to be made use of in the Court of Session of the County Palatine of *Chester*, and for taking of special bail in actions and suits depending in the same court,' to take special bail or bails, represent or personate any other person or persons, whereby the person or persons so represented or personated may be liable to the payment of any sum or sums of money for debt or damages, to be recovered in the same suit or action wherein such person or persons is or are represented or personated, as if he, she or they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed, and taken to be a felon or felons, and shall suffer the pains of death, and incur such forfeitures and penalties as felons in other cases convicted or attainted do by the law of *England* lose and forfeit (7).

It shall be felony to personate another as bail before commissioners.

[*The clauses which follow are Amendments of the existing Law.*]

8. AND, for a further amendment and declaration of the law relating to the crime of forgery, BE it further Enacted and Declared, That if any person or persons, from any evil motive, and in any case not specially provided for by this or any other or any future statute, shall falsely make, forge or counterfeit any writing, instrument, signature or name whatsoever; or utter, publish, offer, dispose of or put away the same, knowing it to be falsely made, forged or counterfeited, every person so offending, or causing, procuring, aiding, assisting or abetting such offence, shall be deemed guilty of unless by the laws and customs of this realm such offence is a crime of a higher degree than (8).

Forgeries not otherwise provided for by this or any statute shall be misdemeanors, unless by the common law they are crimes of a higher degree.

9. And be it further Enacted and Declared, That if any person from any evil motive, and in any case not specially provided for by this or any other or any future statute, shall falsely personate another, or assume a character which he is not entitled to assume, every person so offending, or causing, procuring, aiding, assisting, or abetting such offence, shall be deemed guilty of (9).

Personating another not specially provided for by this or any other statute, shall be a misdemeanor.

10. And

(5) Corresponding with pl. 16. of the Consolidating Process.
(6) Corresponding with pl. 17. of the Consolidating Process.
(7) Corresponding with pl. 18. of the Consolidating Process.
(8) See page 85. pl. 1217, et seq. of the Code for the reason of this Enactment.
(9) See page 87. pl. 1243. of the Code for the reason of this Enactment.

An intention to defraud a corporation shall be a fraudulent intention within this statute.

10. And be it further Enacted and Declared, That whenever and by whatever terms this or any other or any future statute makes a fraudulent intention essential to criminality, and does not include an intention to defraud a body politic or corporate; an intention to defraud a body politic or corporate shall be a fraudulent intention within the statute (1).

A counterfeit shall be a forgery, notwithstanding it is deficient in legal formalities.

11. And be it further Enacted and Declared, That in every case where this or any other or any future statute provides against forging or uttering, publishing, offering, disposing of or putting away, or having in possession a forged writing or instrument, and the existence or appearance of certain formalities is requisite to the validity of genuine writings or instruments of the particular class, a forged writing or instrument which shall be apparently intended to resemble a genuine writing or instrument of the particular class, shall, though deficient in requisite formalities, be a writing or instrument within the statute (2).

Uttering a true instrument through the medium of a false representation, shall be equally penal as uttering a forged instrument.

12. And be it further Enacted and Declared, That in every case where this or any other or any future statute provides against uttering, publishing, offering, disposing of or putting away a forged writing or instrument, the provision in all its parts shall equally apply to the case of uttering, publishing, offering, disposing of or putting away a true writing or instrument, through the medium of a false representation (3).

In enactments against uttering forged writings, the words 'as true' may be rejected.

13. And be it further Enacted and Declared, That in every case where this or any other or any future statute provides against uttering, publishing, offering, disposing of or putting away as true a forged writing or instrument, the words 'as true' shall be rejected (4).

In prosecutions for forging, or uttering, or having in possession forged instruments, the circumstance that the instrument, if genuine, would subject a person to loss or liability, shall not render him an incompetent witness.

14. And be it further Enacted and Declared, That in prosecutions for forging or uttering, publishing, offering, disposing of or putting away, or having in possession a forged writing or instrument, which if genuine would subject a person to loss or liability, such person shall be a competent witness to prove as well the falsehood of the handwriting as any fact that in its consequences, whether immediate or remote, tends to establish the forgery (5).

A warrant or order, though not compulsory, shall be a warrant or order within this statute.

15. And be it further Enacted and Declared, That a warrant or order shall be a warrant or order within this Act, notwithstanding that neither from its purport nor from the authority which, in point of fact, the party named as drawer is entitled to assume, is it compulsory upon the party addressed or upon the holder of the property against which it is aimed (6).

Bills, notes, warrants, orders and accountable receipts, in the alternative only, shall nevertheless be within this statute.

16. And be it further Enacted and Declared, That a bill of exchange, promissory note, warrant or order for the payment of money in the alternative only, shall nevertheless be taken as a bill, note, warrant or order, within this Act; and that a warrant or order for the delivery of goods in the alternative only, shall nevertheless be taken as a warrant or order within this Act; and that an accountable receipt for a note, bill or other security for payment of money in the alternative only, shall nevertheless be taken as an accountable receipt within this Act (7).

17. And

(1) See page 86. pl. 1233, et seq. of the Code for the reason of this Enactment.
(2) See page 106. pl. 1315, et seq. of the Code for the reason of this Enactment.
(3) See page 121. pl. 1385, et seq. of the Code for the reason of this Enactment.
(4) See page 93. pl. 1273, et seq. of the Code for the reason of this Enactment.
(5) See page 166. pl. 1626, et seq. of the Code for the reason of this Enactment.
(6) See page 74. pl. 1184, et seq. of the Code for the reason of this Enactment.
(7) See page 72. pl. 1172. et seq. of the Code for the reason of this Enactment.

17. And be it further Enacted and Declared, That an indorsement, assignment or acceptance, whether in the party's own name, or otherwise, falsely stating in words or legal effect that it is done by the authority of the payee or drawee, or of a person accepting for the honour of a party, shall be an indorsement, assignment or acceptance, within this Act (8).

An indorsement or acceptance by procuration, shall be an indorsement or acceptance within this Act.

18. And be it further Enacted, That in every case in which this or any other or any future statute provides against forging a writing or instrument, the destruction, whether by erasure or otherwise, with a fraudulent or other evil intention, of a genuine writing or instrument of the particular class, shall be an offence of the same degree, and subjected to the same punishment and consequences, as, by the statute, the forgery of that writing or instrument is subjected to, unless the case has been specially provided for by the statute.

The destruction of a writing shall be equally penal as forging that writing

Section the Second.

Public Funds.

19. And be it further Enacted, That if any person or persons whatsoever shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument to transfer, assign, sell or convey any share or shares, or any part of any share or shares of and in any capital stock or stocks of any body or bodies politic or corporate, which now are or hereafter shall be established by any Act or Acts of Parliament; or any share or shares, or any part of any share or shares of and in any annuities, in respect whereof the proprietors of such annuities have or shall have transferrable shares in any capital stock or stocks now established, or which shall hereafter be established by any Act or Acts of Parliament, in proportion to their respective annuities; or any share or shares, or any part of any share or shares of or in any other transferrable annuities which now are or hereafter shall be established by any Act or Acts of Parliament; or to receive any such annuity or annuities, or any dividend or dividends attending such shares, or any of them, or any part thereof; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the proprietors of any such share or shares in stock, or of any the persons entitled to any such annuity or annuities, dividend or dividends as aforesaid, in or to any such pretended letter of attorney, instrument or authority; or shall knowingly and fraudulently demand, or endeavour to have, any such share or shares in stock or annuities, or any part thereof, transferred, assigned, sold or conveyed, or such annuity or annuities, dividend or dividends, or any part thereof, to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument; or shall falsely and deceitfully personate any true and real proprietor of the said shares in stock, annuities and dividends, or any of them, or any part thereof, and thereby transferring or endeavouring to transfer the stock or annuities, or receiving or endeavouring to receive the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then, and in every or any such case, all and every such person and persons, being thereof lawfully convicted in due form of law, shall be adjudged guilty of felony, and shall suffer, as in cases of felony, without benefit of clergy.

Death sans clergy for forging any power to transfer stock or annuity, or to receive annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have stock or annuity transferred, or annuity or dividend received under such forged power; and for personating the proprietor of stock, annuity or dividend.

20. And

(8) See page 73. pl. 1180, et seq. of the Code for the reason of this Enactment.

Felony, with seven years transportation or other lesser punishment, for forging an attestation to a power to transfer stock, annuity, or other funds, or to receive dividends; and for uttering the same.

20. And be it further Enacted, That if any person or persons whatever shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or shall willingly act or assist in the falsely making, forging or counterfeiting the name or names, handwriting or handwritings of any person or persons, as or purporting to be the witness or witnesses attesting the execution of any letter of attorney, or other authority or instrument to transfer, assign, sell or convey any interest, part or share of or in any stock or stocks, annuity or annuities or other funds, or the dividends thereof, transferrable, or which by any Act or Acts of Parliament shall hereafter be made transferrable at the Bank of England; or of or in the capital stock belonging or which hereafter shall or may belong to the governor and company of the Bank of England, called Bank Stock, or to the governor and company of merchants of Great Britain trading to the South Seas, and other parts of America, and for encouraging the fishery as aforesaid, or under their care or management; or of or in the capital stock belonging, or which hereafter shall or may belong to the united company of merchants of England trading to the East Indies, commonly called East India Stock; or of any letter of attorney, or other authority or instrument to receive any dividend or dividends, or any of the said stocks, annuities or other funds; or shall utter or publish as true any such letter of attorney, or other authority or instrument, containing such false, forged or counterfeited name or names, handwriting or handwritings of such attesting witness or witnesses as aforesaid, knowing such name or names, handwriting or handwritings to be false, forged or counterfeited; all and every person or persons whatever so offending, and being in due form of law convicted of any such offence or offences as aforesaid, shall be adjudged guilty of felony, and shall be transported for seven years, or shall be adjudged to suffer such lesser punishment as the court before whom such offender or offenders shall be tried shall think fit to award.

Death sans clergy for making a transfer, in the bank books, of stock, annuity, or other funds transferrable at the Bank, in the name of one not the proprietor.

21. And be it further Enacted, That if any person or persons shall wilfully make, or assist in making, any transfer of any interest, part or share of or in any stock or stocks, annuity or annuities, or other funds transferrable at the Bank of England, in any of the books of the said governor and company of the Bank of England, in which transfers of stock, annuities, or other funds as aforesaid are made, in the name or names of any person or persons, not being the owner or owners, or proprietor or proprietors of such stock, annuities, or other funds transferrable as aforesaid, with intent to defraud the said governor and company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, such person or persons so making or assisting in making such transfer as aforesaid, shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Death sans clergy for forging a transfer of stock, annuity or other funds; and for uttering such forged transfer.

22. And be it further Enacted, That if any person or persons whatsoever shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or shall willingly act or assist in the falsely making, forging or counterfeiting of any transfer of any interest, part or share of or in any stock or stocks, annuity or annuities, or other funds transferrable, or which by any Act or Acts of Parliament shall hereafter be made transferrable at the Bank of England, or of or in the capital stock belonging, or which hereafter shall or may belong to the said governor and company of the Bank of England, called Bank Stock; or shall utter or publish as true any such false, forged or counterfeited transfer as aforesaid, knowing the same to be false, forged or counterfeited, with intent to defraud the said governor and company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever; all and every person or persons whatsoever so offending

offending shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Death sans clergy for making a false entry, or altering an entry, in the bank books; and for falsifying the accounts therein.

23. And be it further Enacted, That if any person or persons shall wilfully make, or assist in making any false entry, or shall wilfully alter, or assist in altering, any word or figure in any entry in the books of account kept by the said governor and company of the Bank of England, wherein the several accounts of the owners or proprietors of stock, annuities, or other funds transferrable at the Bank of England are entered and kept, or shall in any manner wilfully falsify the accounts of such owners and proprietors in the books of the said governor and company wherein such accounts are entered and kept, with intent to defraud the said governor and company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever; every such person or persons so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Seven years transportation for a servant of the Bank making out a false dividend warrant.

24. And be it further Enacted, That if any clerk, officer or servant of, or other person or persons employed or intrusted by the said governor and company of the Bank of England, shall knowingly or willingly make out or deliver, or cause or procure to be made out or delivered, or willingly act or assist in the making out or delivering of any dividend warrant for a greater or less amount than the person or persons on whose behalf or pretended behalf such dividend warrants shall be made out is or are entitled to, with intent to defraud the said governor and company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever; all and every such person or persons so offending, and being in due form of law convicted of any such offence or offences as aforesaid, shall be transported for seven years.

Death sans clergy, for forging any power to transfer *certain* stock or annuity; or to receive *certain* annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have *certain* stock or annuity transferred, or *certain* annuity or dividend received under such forged power; and for personating the proprietor of *certain* stock, annuity or dividend.

25. And be it further Enacted, That if any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument to transfer, assign, sell or convey any part or share of or in the principal sums, or stock, or the annuities by a certain Act passed in the thirty-fifth year of the reign of King *George* the Third, intituled, 'An Act for making part of certain principal sums or stocks and annuities raised or created, or to be raised or created by the Parliament of the kingdom of *Ireland* on loans, for the use of the government of that kingdom, transferrable, and the dividends on such stock and annuities payable at the Bank of England, and for the better security of the proprietors of such stocks and annuities, and of the governor and company of the Bank of England,' or by a certain Act passed in the thirty-seventh year of the reign of King *George* the Third, intituled, 'An Act for making certain annuities created by the Parliament of the kingdom of *Ireland* transferrable, and the dividends thereon payable at the Bank of England, and for the better security of the proprietors of such annuities, and of the governor and company of the Bank of England,' made or declared transferrable at the Bank of England, or to receive any annuity or annuities, or interest, or dividend or dividends, in pursuance of either of those Acts payable at the Bank of England, or any part thereof; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the proprietor or proprietors of any such part or share of or in such principal sum or stock, or annuities, interest, dividend or dividends, as last aforesaid, in or to any such pretended letter of attorney, instrument or authority; or shall knowingly and fraudulently demand, or endeavour to have, any such part or share

of or in such principal sum or stock, or annuities, interest, dividend or dividends, or any part thereof, transferred, assigned, sold or conveyed, or such annuity or annuities, interest, dividend or dividends, or any part thereof to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument; or shall falsely and deceitfully personate any true and real proprietor or proprietors of the said shares of or in the said principal sum or stock, annuities, interest, dividend or dividends, or any of them, or any part thereof, and thereby transferring or endeavouring to transfer any part or share of or in the said principal sum or stock or annuities, or receiving or endeavouring to receive the money of such true and lawful proprietor or proprietors, as if such offender or offenders were the true and lawful owner or owners thereof; then, and in every or any such case, such offender or offenders shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Death sans clergy for forging *certain* dividend warrants or indorsement thereon; and for uttering the same; and for demanding the contents thereof.

26. And be it further Enacted, That if any person or persons shall forge, counterfeit or alter any dividend warrant, or warrant for payment of any annuity, interest or money, payable in pursuance of either of the Acts aforesaid at the Bank of England, or any indorsement thereon; or shall offer, or dispose of, or put away any such forged, counterfeited or altered dividend warrant, or warrant for payment of any annuity, interest or money, payable as last aforesaid, or the indorsement thereon, or demand the money therein contained, or pretended to be due thereon, or any part thereof, of the said governor and company of the Bank of England, or any their officers or servants, knowing such dividend warrant, or warrant for payment of any annuity, interest or money, payable as last aforesaid, or the indorsement thereon, to be forged, counterfeited or altered, with intent to defraud the said governor and company of the Bank of England, or their successors, or any other body politic or corporate, or any person or persons whatsoever; every person or persons so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Death sans clergy for making a transfer in the bank books of *certain* stock or annuity in the name of one not the proprietor

27. And be it further Enacted, That if any person or persons shall wilfully make, or assist in making any transfer of any interest, part or share of or in any principal sum or stock, annuity or annuities, by either of the said Acts made or declared transferrable at the Bank of England, in any of the books of the said governor and company of the Bank of England, in which transfers of principal sums, stock or annuities, as last aforesaid, are, or in pursuance of either of those Acts shall be made, in the name or names of any person or persons, not being the owner or owners, or proprietor or proprietors of such principal sum or stock, or annuity or annuities, transferrable as last aforesaid, with intent to defraud the said governor and company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, such person or persons so making, or assisting in making such transfer as last aforesaid, shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Death sans clergy for forging transfers of *certain* stock or annuity; and for uttering the same.

28. And be it further Enacted, That if any person or persons shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or shall wilfully act or assist in the falsely making, forging or counterfeiting of any transfer of any interest, part or share of or in any principal sum or stock, or annuity or annuities, by either of the said Acts made or declared transferrable at the Bank of England, or shall utter or publish as true any such false, forged or counterfeited transfer as aforesaid, knowing the same to be false, forged or counterfeited, with intent to defraud the said governor and company of the Bank of

of England, or any other body politic or corporate, or any person or persons whatsoever; all and every person or persons whatsoever so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Death sans clergy for making a false entry, or altering an entry in *certain* bank books; and for falsifying the accounts therein.

29. And be it further Enacted, That if any person or persons whatsoever shall wilfully make, or assist in making any false entry, or shall wilfully alter, or assist in altering any word or figure in any entry in the books of account kept, or in pursuance of either of the said Acts to be kept by the said governor and company of the Bank of England, wherein the several accounts of the owners or proprietors of principal sums or stock, or annuities, by either of those Acts made or declared transferrable at the Bank of England, are, or in pursuance of either of those Acts shall be entered and kept, or shall in any manner wilfully falsify the account or accounts of any such owner or proprietor in the books of the said governor and company, wherein such accounts are, or in pursuance of either of those Acts shall be entered and kept, with intent to defraud the said governor and company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever; every such person or persons so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons without benefit of clergy.

Seven years transportation for a servant of the Bank making out a *certain* false dividend warrant.

30. And be it further Enacted, That if any clerk, officer or servant of, or other person or persons employed or intrusted by the said governor and company, shall knowingly or wilfully make out or deliver, or cause or procure to be made out or delivered, or wilfully act or assist in the making out or delivering of any dividend warrant or warrant for payment of any annuity or interest, or money, payable in pursuance of either of the said Acts at the Bank of England, for a greater or less amount than the person or persons on whose behalf or pretended behalf such dividend warrant or warrant for payment of any annuity or interest, or money, payable as last aforesaid, shall be made out, is or are entitled to, with intent to defraud the said governor and company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever; all and every such person or persons so offending, being in due form of law convicted of any such offence or offences as aforesaid, shall be transported for seven years.

Death sans clergy for forging *certain* certificates or duplicate certificates; and for uttering the same.

31. And be it further Enacted, That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting any such certificate or duplicate certificate as in a certain Act passed in the fifty-seventh year of King *George* the Third, intituled, 'An Act to permit the transfer of capital from certain public stocks or funds in *Great Britain* to certain public stocks or funds in *Ireland*,' or in a certain Act passed in the first and second years of His present Majesty, intituled, 'An Act to permit, for three years, the transfer from certain public stocks or funds in *Ireland* to certain public stocks or funds in *Great Britain*,' is mentioned; or shall alter any number, figure or word therein, or shall utter or publish as true any such false, forged, counterfeited or altered certificate, with intent to defraud the governor and company of the Bank of England, or the governor and company of the Bank of Ireland, or any body politic or corporate, or any person or persons whomsoever; every such person or persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering or publishing as aforesaid, being thereof convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death as a felon without benefit of clergy.

Section the Third.

Bank of England.

Death sans clergy for forging the Bank seal, or a bank-note, bill, dividend warrant, or bond, or an indorsement thereon; and for uttering the same; and for demanding payment thereof.

32. And be it further Enacted, That if any person or persons shall forge, counterfeit or alter the common seal of the governor and company of the Bank of England, or any bank-note, bank bill of exchange or dividend warrant, or any bond or obligation under the common seal of the said governor and company, or any indorsement thereon; or shall offer, or dispose of or put away any such forged, counterfeit or altered note, bill, dividend warrant, bond or obligation, or the indorsement thereon, or demand the money therein contained, or pretended to be due thereon, or any part thereof, of the said company, or any their officers or servants, knowing such note, bill, dividend warrant, bond or obligation, or the indorsement thereon, to be forged, counterfeited or altered, with intent to defraud the said governor and company or their successors, or any other person or persons, body or bodies politic or corporate whatsoever; every person or persons so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy: This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain (1).

It shall be felony to erase an indorsement upon a bank bill or note; and to utter the same; and to demand payment thereof.

33. And be it further Enacted, That if any person or persons shall erase any indorsement upon any bank bill or bank-note, made or given out for the payment of any sum of money, by or for the said governor and company, or any bank-note of any sort whatsoever; or shall tender in payment, utter, vend, exchange, or barter any such bill or note, the indorsement thereupon having been erased, or demand to have the same exchanged for ready money by the said governor and company or their successors, or any other person or persons, knowing the indorsement upon such bill or note so tendered, or demanded to be exchanged, vended or bartered, to be erased, and with intention to defraud the said governor and company, or their successors, or any other person or persons, body politic or corporate; then every such person or persons so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged a felon, and shall suffer as in cases of felony (2).

It shall be a transportable felony to purchase or receive forged bank securities; and to be in possession thereof.

34. And be it further Enacted, That if any person or persons shall purchase or receive from any other person or persons any forged or counterfeited bank-note, bank-bill of exchange, bank post bill, or blank bank-note, blank bank bill of exchange or blank bank post bill, knowing the same to be forged or counterfeited, or shall knowingly or wittingly have in his, her or their possession or custody, or in his, her or their dwelling-house, outhouse, lodgings or apartments any forged or counterfeited bank-note, bank-bill of exchange or bank post bill, or blank bank-note, blank bank-bill of exchange or blank bank post bill, knowing the same to be forged or counterfeited, without lawful excuse, the proof whereof shall lie upon the person accused; every person or persons so offending, and being thereof convicted according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years: This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain (3).

35. And

(1) Corresponding with pl. 1. of the Consolidating Process.
(2) Corresponding with pl. 3. of the Consolidating Process.
(3) Corresponding with pl. 5. of the Consolidating Process.

Death sans clergy for making use or being in possession of instruments for making paper, with the words 'Bank of England' therein; and for making such paper.

35. And be it further Enacted, That if any person or persons, other than the officers, workmen, servants or agents for the time being of the said governor and company, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall make or use, or cause or procure to be made or used, or without being authorized and appointed as aforesaid, shall knowingly have in his, her or their custody or possession, without lawful excuse, the proof whereof shall lie upon the person accused, any frame, mould or instrument for the making of paper, with the words 'Bank of England' visible in the substance of such paper, or shall make, or cause or procure to be made, or knowingly aid or assist in the making any paper in the substance of which the said words 'Bank of England' shall be visible; or if any person, except as before excepted, shall by any art, mystery or contrivance cause or procure the said words 'Bank of England' to appear visible in the substance of any paper whatsoever, or knowingly aid or assist in causing the said words 'Bank of England' to appear in the substance of any paper whatsoever; every person so offending in any of the cases last aforesaid, and being thereof lawfully convicted, shall for such offence be deemed and adjudged a felon, and shall suffer death, as in cases of felony, without benefit of clergy (4).

It shall be a transportable felony to make or use, or be in possession of instruments for making paper of a certain description; and to make, utter or be in possession of such paper.

36. And be it further Enacted, That if any person or persons, other than the officers, workmen, servants or agents for the time being of the governor and company of the Bank of England, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using, or without being authorized or appointed as last aforesaid, shall knowingly have in his, her or their custody or possession, without lawful excuse, the proof whereof shall lie upon the party accused, any frame, mould or instrument for the making of paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in Roman letters, visible in the substance of such paper; or shall manufacture, make, use, vend, expose to sale, publish or dispose of, or cause or procure to be manufactured, made, used, vended, exposed to sale, published or disposed of, or aid or assist in the manufacturing, making, using, vending, exposing to sale, publishing or disposing of, or without being authorized or appointed as last aforesaid, shall knowingly have in his, her or their custody or possession any paper whatsoever with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or having any number, sum or amount expressed in a word or words in Roman letters, appearing visible in the substance of such paper; or if any person or persons, except as before excepted, shall by any art, mystery or contrivance, cause or procure the numerical sum or amount of any bank-note, bank bill of exchange, or bank post bill, blank bank-note, blank bank bill of exchange or blank bank post bill, in a word or words, to appear visible in the substance of the paper whereon the same shall be written or printed, or shall knowingly aid or assist in causing the numerical sum or amount of any bank-note, bank bill of exchange, or bank post bill, blank bank-note, blank bank bill of exchange, or blank bank post bill, in a word or words, in Roman letters, to appear visible in the substance of the paper whereon the same shall be written or printed; every person or persons so offending in any of the cases last aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term

(4) Corresponding with pl. 6. of the Consolidating Process.

term of fourteen years: This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain (5).

It shall be a transportable felony to engrave bank-notes or bills; and to use or be in possession of such engraving; and to utter or be in possession of engraved paper.

37. And be it further Enacted, That if any person shall engrave, cut, etch, scrape, or by any other means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other means or device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making, in or upon any plate of copper, brass, steel, pewter, or of any other metal or mixture of metals, or upon wood, or any other materials, or upon any plate whatsoever, any word or words, figure or figures, character or characters, the impression taken from which shall resemble, or be apparently intended to resemble, the whole or any part of any of the notes or bills of the said governor and company, commonly called bank-notes, bank bills of exchange and bank post bills, without an authority in writing for that purpose from the said governor and company, to be produced and proved by the party accused; or shall, without such authority as aforesaid, use any such plate, wood or other material so engraved, cut, etched, scraped, or by any other means or device made, or shall use any other instrument or device for the making or printing upon any paper or other material any word or words, figure or figures, character or characters, which shall be apparently intended to resemble the whole or any part of the said notes or bills of the said governor and company; or if any person or persons shall, without such authority as last aforesaid, knowingly have in his, her or their custody any such plate, instrument or device, or shall knowingly and wilfully utter, publish or dispose of or put away any paper or other material containing any such word or words, figure or figures, character or characters as last aforesaid, or shall knowingly or wittingly have in his, her or their custody or possession any paper or other material containing any such word or words, figure or figures, character or characters as last aforesaid, without lawful excuse, the proof whereof shall lie upon the person accused; every person so offending in any of the cases last aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years: This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain (6)

It shall be a transportable felony to engrave bank-notes of a certain description; and to use or be in possession of such engraving; and to utter an engraved note.

38. AND whereas, as well for the prevention of forgery, as to facilitate the detection of the same, the governor and company of the Bank of England have, after great consideration, labour and expense, formed a new plan for printing bank-notes, in which the groundwork of each bank-note will be black or coloured, or black and coloured line work, and the words Bank of England will be placed at the top of each bank-note, in white letters upon a black, sable or dark ground, such ground containing white lines intersecting each other, and the numerical amount or sum of each bank-note, in the body of the note, will be printed in black and red register work, and the back of each note will distinctly show the whole contents thereof, except the number and date, in a reversed impression thereof: For the better prevention of the forgery of bank-notes, and for the security of the Public, BE it Enacted, That if any person or persons (other than the officers, workmen, servants and agents for the time being of the said governor and company, to be authorized and appointed for that purpose by the said governor and company only), shall engrave, cut, etch, scrape, or by any other

(5) Corresponding with pl. 7. of the Consolidating Process.
(6) Corresponding with pl. 8. & 9. of the Consolidating Process.

other art, means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other art, means or device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other art, means or device making, in or upon any plate of copper, brass, steel, iron, pewter, or of any other metal or mixtures of metal, or upon wood or other materials, or any plate whatsoever, for the purpose of producing a print or impression of all or any part or parts of a bank-note or of a blank bank-note of the said governor and company of the description aforesaid, without an authority in writing from the said governor and company, or shall use any such plate so engraved, cut, etched, scraped, or by any other art, means or device made, or shall use any other instrument or contrivance for the making or printing any such bank-note or blank bank-note, or part of a bank-note of the description aforesaid; or if any person or persons shall from and after the passing of this Act, without such authority as aforesaid, knowingly, and without lawful excuse, have in his, her or their custody any such plate or instrument, or without such authority as aforesaid shall knowingly or wilfully utter, publish, dispose of or put away any such blank bank-note or part of such bank-note of the description aforesaid; every person so offending in any of the cases aforesaid, and being thereof convicted according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years (7).

It shall be a transportable felony to engrave certain parts of bank-notes of a certain description; and to use or be in possession of such engraving; and to utter or be in possession of paper engraved therewith.

39. AND whereas divers frauds have been practised by making and publishing papers with certain words and characters so nearly resembling the notes of the governor and company of the Bank of England, as to appear to ignorant and unwary persons to be the notes of the said governor and company, and it is necessary, as well for the security of the Public, that such practices, as applied to the notes of the said governor and company of the description aforesaid, should be prevented; BE it therefore further Enacted, That if any person or persons from and after the passing of this Act, shall engrave, cut, etch, scrape, or by any other art, means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other art, means or contrivance made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other art, means or contrivance making, in or upon any plate of copper, brass, steel, iron, pewter or of any other metal or mixture of metals, or upon wood or any other materials, or upon any plate whatsoever, any line work as or for the groundwork of a promissory note or bill of exchange, the impression taking from which line work shall be intended to resemble the groundwork of a bank-note of the said governor and company of the description aforesaid, or any device, the impression taken from which shall contain the words Bank of England in white letters upon a black, sable or dark ground, either with or without white or other lines therein, or shall contain in any part thereof the numerical sum or amount of any promissory note or bill of exchange in black and red register work, or shall show the reversed contents of a promissory note or bill of exchange, or of any part of a promissory note or bill of exchange, or shall contain any word or words, figure or figures, character or characters, pattern or patterns, which shall be intended to resemble the whole or any part of the matter or ornaments of any bank-note of the description aforesaid, or shall contain any word, number, figure or character in white on a black, sable or dark ground, either with or without white or other lines therein, which shall be intended to resemble the numerical sum or amount in the margin or any other part of any bank-note of the said governor and company, without an authority in writing for

(7) Corresponding with pl. 10. of the Consolidating Process.

for that purpose from the said governor and company, to be produced and proved by the party accused; or if any person or persons shall from and after the passing of this Act, without such authority as aforesaid, use any such plate, wood, or other material so engraved, cut, etched, scraped, or by any other art, means or contrivance made, or shall use any other instrument or contrivance for the making or printing upon any paper or other material, any word or words, figure or figures, character or characters, pattern or patterns, which shall be intended to resemble the whole or any part of the matter or ornaments of any such note of the said governor and company of the description aforesaid, or any word, figure or character in white on a black, sable or dark ground, either with or without white or other lines therein, which shall be apparently intended to resemble the numerical sum or amount in the margin or any other part of any bank-note of the said governor and company; or if any person or persons shall from and after the passing of this Act, without such authority as aforesaid, knowingly have in his, her or their custody or possession any such plate or instrument, or shall knowingly and wilfully utter, publish or dispose of or put away any paper or other material containing any such word or words, figure or figures, character or characters, pattern or patterns as aforesaid, or shall knowingly or willingly have in his, her or their custody or possession any paper or other material containing any such word or words, figure or figures, character or characters, pattern or patterns as aforesaid, without lawful excuse, the proof whereof shall lie upon the person accused; every person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years ([8]).

The signature to certain bank-notes may be impressed by machinery.

40. AND whereas it is expedient that the name or names of the person or persons intrusted and authorized by the said governor and company to sign bank-notes on behalf of the said governor and company, should be impressed by machinery upon bank-notes, of the description aforesaid, in such form as may from time to time be adopted by the said governor and company, instead of being subscribed in the handwriting of such person or persons respectively: AND whereas doubts may arise respecting the validity of such notes; BE it therefore Declared and Enacted, That all bank-notes of the said governor and company of the description aforesaid, whereon the name or names of any person or persons intrusted or authorized to sign such notes on behalf of the said governor and company shall or may be impressed by machinery, provided for that purpose by the said governor and with the authority of the said governor and company, shall be and be taken to be good and valid, to all intents and purposes, as if such notes had been subscribed in the proper handwriting of the person or persons intrusted or authorized by the said governor and company to sign the same respectively, and shall be deemed and taken to be bank-notes within the meaning of all laws and statutes whatsoever, and shall and may be described as bank-notes in all indictments, and other criminal and civil proceedings whatsoever; any laws, statute or usage to the contrary notwithstanding ([9]).

Certain acts exempted from the operation of the preceding enactments.

41. Provided also, and be it further Enacted, That nothing herein contained shall extend or be construed to extend to restrain any person or persons from issuing or negotiating any bill or bills of exchange, promissory note or promissory notes, having the sum or amount thereof expressed in guineas, or in a numerical figure or figures, denominating the

([8]) Corresponding with pl. 11. of the Consolidating Process.
([9]) 1 G. 4. c. 92. s. 3.

the sum or amount thereof in pounds sterling, appearing visible in the substance of the paper upon which the same shall be written or printed; any thing herein contained to the contrary thereof in anywise notwithstanding (1).

Certain other acts exempted likewise.

42. Provided also, and be it further Enacted, That nothing in this Act contained shall restrain or prevent any person or persons from making, using, vending, exposing to sale, publishing or disposing of any paper having waving or curved lines, or any other devices in the nature of watermarks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not contrived in such manner as to form the groundwork or texture of the paper, or to imitate or resemble the waving or curved laying wire lines or bar lines of the said paper of the governor and company of the Bank of England; or to imitate or resemble the watermarks used by the governor and company of the Bank of England in the bank-notes, bank bills of exchange, and bank post bills, issued by the said governor and company; any thing herein contained to the contrary thereof in anywise notwithstanding (2).

Section the Fourth.

Exchequer Bills.

Death sans clergy for forging exchequer bills, or indorsements thereon; and for tendering in payment any such; and for demanding any such to be exchanged for money or another bill.

43. And be it further Enacted, That if any person or persons shall forge or counterfeit any exchequer bill, or any indorsement or writing thereupon or therein, or tender in payment any such forged or counterfeited bill, or any exchequer bill with such counterfeit indorsement or writing thereon, or shall demand to have such counterfeit bill, or any exchequer bill with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money, or for another exchequer bill, by any person or persons, body or bodies politic or corporate, who shall be obliged or required to exchange the same, or by any other person or persons whatsoever, knowing the bill so tendered in payment or demanded to be exchanged, or the indorsement or writing thereupon or therein, to be forged or counterfeited, and with intent to defraud His Majesty, his heirs and successors, or the persons to be appointed to pay off the same, or any of them, or to pay any interest thereupon, or the person or persons, body or bodies politic or corporate, who shall contract to circulate or exchange the same, or any of them, or any other person or persons, body or bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

Section the Fifth.

East India Company.

Death sans clergy for forging East India bonds, or indorsements or assignments thereon; and for uttering any such.

44. And be it further Enacted, That if any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting, any bond or obligation under the

(1) Corresponding with pl. 12. of the Consolidating Process.
(2) Corresponding with pl. 13. of the Consolidating Process.

the common seal of the united company of merchants of England trading to the East Indies, or any indorsement or assignment thereon; or shall utter or publish any such, knowing the same to be forged or counterfeited, with intention to defraud any person whatsoever; then every such person and persons so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of felony, and shall suffer death as in case of felony, without benefit of clergy.

Section the Sixth.

South Sea Company.

Death sans clergy for forging the South Sea company's seal, or their bonds, or indorsements or assignments thereon; and for uttering any such; and for demanding payment thereof.

45. And be it further Enacted, That if any person or persons shall forge or counterfeit the common seal of the governor and company of merchants of Great Britain, trading to the South Seas and other parts of America, and for encouraging the fishery; or shall forge, counterfeit or alter any bond or obligation under the common seal of the same company, or shall forge or counterfeit, or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting, any indorsement or assignment thereon; or shall offer to dispose of or pay away, utter or publish, any such, knowing the same to be forged, counterfeited or altered; or shall demand the money therein contained, or pretended to be due thereon, or any part thereof, of the same company, or any of their officers, knowing the same to be forged, counterfeited or altered, with intent to defraud the same company or their successors, or any other person or persons whatsoever; every such person or persons so offending, and being convicted thereof in due form of law, shall be guilty of felony, and shall suffer death as a felon without benefit of clergy.

Section the Seventh.

Insurance.

Death sans clergy for forging the seals of the insurance companies, or their policies, bills, or bonds; and for uttering any such; and for demanding payment of any such.

46. And be it further Enacted, That if any person or persons shall forge or counterfeit the common seal of either of the corporations erected and established pursuant to an Act, passed in the sixth year of King *George* the First, intituled 'An Act for better securing certain powers and privileges intended to be granted by his Majesty by two charters for assurance of ships and merchandizes at sea, and for lending money upon bottomry, and for restraining several extravagant and unwarrantable practices therein mentioned;' or shall forge, counterfeit or alter any policy, bill, bond or obligation under the common seal of either of the same corporations; or shall offer to dispose of or pay away any such forged, counterfeited or altered policy, bill, bond or obligation, knowing the same to be such; or shall demand the money therein contained, or pretended to be due thereon, or any part thereof, of or from such of the same corporations as shall be mentioned or referred to therein, or any of their officers, knowing such policy, bill, bond or obligation to be forged, counterfeited or altered, with intent to defraud the same corporation, or their successors, or any other person or persons whatsoever; every such person or persons so offending, and being convicted thereof in due form of law, shall be guilty of felony, and suffer as in cases of felony without benefit of clergy.

47. And

47. And be it further Enacted, That if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or willingly aid or assist in the forging or counterfeiting of the name or handwriting of any underwriter on any policy of insurance, to any declaration of any return of the premium on such policy, or any part thereof; or shall fraudulently alter, or cause or procure to be altered, or aid or assist in altering, any such declaration after the same shall have been signed by any underwriter; or shall utter or make use of any such declaration, knowing the same to have been fraudulently altered, or the name or handwriting of any underwriter to have been forged or counterfeited thereon, for the purpose of obtaining any such allowance as in an Act passed in the fifty-fourth year of the reign of King *George* the Third, intituled 'An Act for better enabling the commissioners of stamps to make allowances for spoiled stamps on policies of insurance in *Great Britain*, and for preventing frauds relating thereto,' and with intent to defraud His Majesty, his heirs or successors; every person so offending shall, for the first offence, forfeit the sum of five hundred pounds; and for the second and every other offence shall be adjudged guilty of felony, and shall be transported for seven years to parts beyond the seas.

Five hundred pounds penalty for the first offence, transportation for the second, of forging underwriter's signature to a declaration of return of premium; and for altering such declaration; and for uttering any such.

Section the Eighth.

Plate.

48. And be it further Enacted, That if any person whatsoever shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark or stamp used or to be used for the marking or stamping gold or silver plate, in pursuance of any Act or Acts of Parliament now in force, and excepting in cases specially provided for by this statute, by the company of goldsmiths in *London*, or by the wardens or assayer or assayers at *York*, *Exeter*, *Bristol*, *Chester*, *Norwich*, or *Newcastle-upon-Tyne*, or by any maker or worker of gold or silver plate, or any or either of them; or shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark, stamp or impression, in imitation of or to resemble any mark, stamp or impression made or to be made with any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London*, or by the said wardens, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold or silver, or any wares of brass or other base metal, silvered or gilt over, and resembling plate of gold or silver, with any mark or stamp which hath been or shall be forged or counterfeited, in imitation of or to resemble any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London*, or by the said wardens, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of such base metal as aforesaid, any mark, stamp or impression made or to be made by or with any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London*, or by the said wardens, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; or shall sell, exchange or expose to sale, or export out of this kingdom, any wrought plate of gold or silver, or any vessel of such base metal as aforesaid, with any such forged or counterfeit mark, stamp or impression thereon, or any mark, stamp or impression which hath been or shall be transposed

Fourteen years transportation for forging the York, Exeter, Bristol, Chester, Norwich, or Newcastle-upon-Tyne marks; and for using the same; and for transposing genuine marks; and for uttering any such; and for having in one's possession forged marks.

or removed from any other piece of plate, knowing such mark, stamp or impression to be forged or counterfeited, or transposed or removed as aforesaid; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been or shall be forged or counterfeited, in imitation of or to resemble any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London*, or by the said wardens, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; every person offending in any, each or either of the cases aforesaid, and being thereof lawfully convicted, shall by order of the court, before whom such offender shall be convicted, be transported for the term of fourteen years.

Fourteen years transportation for forging the Sheffield and Birmingham marks; and for using the same; and for transposing genuine marks; and for uttering any such; and for having in one's possession forged marks.

49. And be it further Enacted, That if any person whatsoever shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark or stamp used or to be used for marking plate in pursuance of an Act, passed in the thirteenth year of King *George* the Third, intituled 'An Act for appointing wardens and assay masters for assaying wrought plate in the towns of *Sheffield* and *Birmingham*,' or by any maker or worker of silver plate, or any or either of them; or shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark, stamp or impression, in imitation of or to resemble any mark, stamp or impression made or to be made with any mark or stamp used or to be used as aforesaid, by the *Sheffield* and *Birmingham* companies respectively, or by any maker or worker of silver plate, or any or either of them; or shall mark or stamp, or cause or procure to be marked or stamped, any silver-wrought plate, with any mark or stamp which hath been or shall be forged or counterfeited, in imitation of or to resemble any mark or stamp used or to be used as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them; or shall transpose or remove, or cause or procure to be transposed or removed, from any piece of wrought plate to another, or to any plated vessel, or to any vessel of base metal, any mark, stamp or impression made or to be made by or with any mark or stamp used or to be used as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them; or shall sell, exchange or expose to sale, or export out of this kingdom, any silver-wrought plate, or any vessel of base metal, with any such forged or counterfeit mark, stamp or impression thereon, or any mark, stamp or impression which hath been or shall be transposed or removed from any other piece of plate, knowing such mark, stamp or impression to be forged, counterfeited or transposed, or removed as aforesaid; or shall wilfully or knowingly have or be possessed of any mark or stamp, which hath been or shall be forged or counterfeited in imitation of or to resemble any mark or stamp used or to be used as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them; every such person offending in any, each or either of the cases aforesaid, being thereof lawfully convicted, shall, by order of the court before whom such offender shall be convicted, be transported for the term of fourteen years.

Seven years transportation for forging the mark for marking gold wares of the lower standard; and for using the same; and for transposing genuine marks; and for uttering any such; and for having in one's possession forged marks.

50. And be it further Enacted, That if any person shall forge, cast or counterfeit, or cause or procure to be cast, forged or counterfeited, the mark or stamp used or directed to be used in pursuance of an Act, passed in the thirty-eighth year of King *George* the Third, intituled, 'An Act for allowing gold wares to be manufactured at a standard lower than is now allowed by law,' for the marking or stamping of gold plate by the company of goldsmiths in *London* or *Edinburgh*, or the *Birmingham* or *Sheffield* company, or by the wardens, or assayer or assayers at *York*, *Exeter*, *Bristol*, *Chester*, *Norwich*, or *Newcastle-upon-Tyne*, or any or either of them; or shall cast, forge or counterfeit, or shall cause

or

or procure to be cast, forged or counterfeited, any mark, stamp or impression, in imitation of or to resemble any mark, stamp or impression made or to be made with any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* companies, or by the said wardens, or assayer or assayers, or any or either of them; or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold, or any wares of silver, brass, or other metal gilt over, and resembling plate of gold, with any mark or stamp which hath been or shall be forged or counterfeited, in imitation of or to resemble any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* companies, or by the said wardens, or assayer or assayers, or any or either of them; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of silver, brass, or other metal as aforesaid, any mark, stamp or impression made or to be made by or with any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* companies, or by the said wardens, or assayer or assayers, or any or either of them; or shall sell, exchange or expose to sale, or export out of this kingdom, any wrought plate of gold, or any vessel of silver, brass, or other metal as aforesaid, with any such forged or counterfeit mark, stamp or impression thereon, or any mark, stamp or impression which hath been or shall be transposed or removed from any other piece of plate, knowing such mark, stamp or impression to be forged, counterfeited or transposed, or removed as aforesaid; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been or shall be forged or counterfeited, in imitation of and to resemble any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* and *Sheffield* companies, or by the said wardens, or assayer or assayers, or any or either of them; every such person offending in any such or either of the cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported to such parts beyond the seas as His Majesty, with the advice of his privy council, shall direct, for the space of seven years (1).

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(1) And be it further Enacted by the authority aforesaid, That if any person whatsoever shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, the mark or stamp used, or directed to be used, in pursuance of an Act passed in the twenty-fourth year of King *George* the Third, intituled, 'An Act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in *Great Britain*,' for the marking or stamping of gold or silver plate by the company of goldsmiths in *London* or *Edinburgh*, or the *Birmingham* or *Sheffield* company, or by the wardens, or assayer or assayers, at *York*, *Exeter*, *Bristol*, *Chester*, *Norwich*, or *Newcastle-upon-Tyne*, or by any maker or worker of gold or silver plate, or any or either of them; or shall cast, forge or counterfeit, or shall cause or procure to be cast, forged or counterfeited, any mark, stamp or impression, in imitation of or to resemble any mark, stamp or impression made, or to be made, with any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* company, or by the said wardens, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold or silver, or any wares of brass, or other base metal silvered or gilt over, and resembling plate of gold or silver, with any mark or stamp which hath been or shall be forged or counterfeited, in imitation of or to resemble any mark or stamp used or to be used as aforesaid, by

Death sans clergy for forging the mark to denote payment of duties; and for using the same; and for transposing genuine marks; and for uttering any such; and for having in one's possession forged marks.

Section the Ninth.

Plate-Glass Company.

Death for forging the seal of the plate-glass company, or their deed; and for demanding the contents of any such.

51. And be it further Enacted, That if any person or persons shall forge or counterfeit the seal of the corporation, constituted by an Act passed in the thirty-eighth year of King *George* the Third, intituled, 'An Act to incorporate certain persons therein named, and their successors, with proper powers for the purpose of continuing a manufactory of plate glass, originally established under an Act passed in the thirteenth year of his present Majesty's reign, which is now expired;' or any deed or writing under their common seal; or shall demand any money in pursuance of such forged or counterfeited deed or writing, either from the said corporation or any members or servants thereof, knowing such writing to be forged, with intent to defraud the same corporation, or any other person or persons whomsoever; every person so offending, and being convicted thereof in due form of law, shall be judged guilty of felony, and shall suffer as a felon.

Section the Tenth.

Linen Company.

Death sans clergy for forging the seal of the English linen company, or their instruments; and for uttering any such; and for demanding the contents thereof.

52. And be it further Enacted, That if any person or persons shall forge or counterfeit the common seal of the corporation, established in pursuance of an Act passed in the fourth year of King *George* the Third, intituled, 'An Act for the better establishing a manufactory of cambrics and lawns, or goods of the kind usually known under those denominations, now carrying on at *Winchelsea*, in the county of *Sussex*; and for improving, regulating and extending the manufacture of cambrics and lawns, or goods of the kind usually known under those denominations, in that part of *Great Britain* called *England*;' or shall forge, counterfeit or alter any deed, bill, bond or obligation under the common

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by the said company of goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* companies, or by the said wardens, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of such base metal as aforesaid, any mark, stamp or impression made or to be made by or with any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* companies, or by the said wardens, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; or shall sell, exchange or expose to sale, or export out of this kingdom, any wrought plate of gold or silver, or any vessel of such base metal as aforesaid, with any such forged or counterfeit mark, stamp or impression thereon, or any mark, stamp or impression which hath been or shall be transposed or removed from any other piece of plate, knowing such mark, stamp or impression to be forged, counterfeited or transposed, or removed as aforesaid; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been or shall be forged or counterfeited, in imitation of and to resemble any mark or stamp used or to be used as aforesaid, by the said company of goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* and *Sheffield* companies, or by the said wardens, or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them; every such person offending in any such or either of the cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon without benefit of clergy.—Vide in *Stamps*.

common seal of the said corporation; or shall offer to dispose of or pay away any such forged, counterfeited or altered bill, bond or obligation, knowing the same to be such; or shall demand any money therein mentioned, or pretended to be due thereon, or any part thereof, of and from the said corporation, or any members, officers or servants thereof, knowing such bill, bond or obligation to be forged, counterfeited or altered, with intent to defraud the same corporation or their successors, or any other person or persons whomsoever; every person so offending, and being convicted thereof in due form of law, shall be adjudged guilty of felony, and shall suffer as in cases of felony, without benefit of clergy.

Section the Eleventh.

Linen.

Punishment for uttering forged Scotch or Irish linen stamps.

53. And be it further Enacted, That if any person or persons shall affix, or cause or procure to be affixed, any stamp or stamps, in imitation of the stamp or stamps put upon the linens of the manufactures of *Scotland* or *Ireland*, on any foreign linens imported into this kingdom, such person or persons so offending shall for each and every such offence, being convicted thereof severally, forfeit the sum of five pounds for each piece of linen so stamped, or caused or procured to be stamped; and if any person or persons shall sell, expose to sale, or pack up for sale, any foreign linens, knowing them to be so stamped as aforesaid, as the manufacture of *Scotland* or *Ireland*, such person and persons so offending, and being thereof convicted, shall forfeit the said linens, and the sum of five pounds for every piece thereof so sold, exposed to sale, or packed up for sale as aforesaid; and in case any person or persons shall affix any counterfeit stamp or stamps upon any linens of the manufacture of *Great Britain* or *Ireland*, in order to vend the same as linens duly stamped, such person or persons so offending, and being convicted thereof, shall forfeit the sum of five pounds for every piece of linen so stamped as aforesaid; and in case any person or persons shall sell, expose to sale, or pack up for sale, any such linens, knowing the same to be so stamped as aforesaid, such person or persons so offending, and being thereof convicted, shall forfeit the said linens, and the sum of five pounds for each piece thereof so sold, exposed to sale, or packed up for sale as aforesaid.

Section the Twelfth.

Norfolk and Norwich Weavers.

Twenty pounds penalty for forging certain seals; and for using any such; and for transposing seals.

54. And be it further Enacted, That if any person shall counterfeit any seal of the trade mentioned in an Act passed in the thirteenth and fourteenth years of King *Charles* the Second, intituled, 'An Act for regulating the making of stuffs in *Norfolk* and *Norwich*;' or shall seal any piece of stuff, under the regulations therein mentioned, with any counterfeit seal; or shall remove a seal off one piece and set it unto another piece which hath not been sealed by the wardens therein mentioned; every person so offending, and being thereof convicted, shall forfeit for every such offence the sum of twenty pounds.

Twenty pounds penalty for forging the seal of the Kidderminster trade; and for using any such.

55. And be it further Enacted, That if any person shall counterfeit any seal of the trade mentioned in an Act passed in the twenty-second and twenty-third years of King *Charles* the Second, intituled, 'An Act for the regulating the making of Kidderminster stuffs;' or shall seal any

piece of cloth or stuff, made under the regulations of the said trade, with any counterfeit seal; or shall remove a seal off one piece and set it unto another piece which hath not been sealed as in that Act is appointed to be sealed; every person so offending, and being thereof convicted, shall forfeit for every such offence the sum of twenty pounds.

Section the Thirteenth.

Banker.

Imprisonment for the first offence, transportation for the second, for making or using frames for manufacturing bankers paper; and for making or publishing such paper; and for causing bankers names to appear visible in the substance of paper.

56. And be it further Enacted, That if any person or persons in any part of the United Kingdom of *Great Britain* and *Ireland* shall make, or cause or procure to be made, or knowingly aid or assist in the making or using of any frame or mould, or part of any frame or mould, for the making of paper, with the name or firm appearing visible in the substance of the paper of any person or persons, body corporate, or other banking company or partnership, carrying on the business of bankers, without an authority in writing for that purpose from such person or persons, body corporate, or other banking company or partnership, or from some person or persons duly authorized to give such authority; or shall manufacture, make, vend, expose to sale, publish or dispose of, or cause or procure to be manufactured, made, vended, or exposed to sale, published or disposed of, any paper having the name or firm appearing visible in the substance of the paper of any person or persons, body corporate, or other banking company or partnership whatsoever, carrying on the business of bankers; or if any person or persons without such authority shall, by any art, means, mystery or contrivance, cause or procure, or shall knowingly aid or assist in causing or procuring, the name or firm of any person or persons, body corporate, or other banking company or partnership, carrying on the business of bankers, to appear visible in the substance of the paper whereon the same shall be written or printed; every person or persons so offending in any of the cases aforesaid, and being convicted thereof according to law, shall for the first offence be imprisoned for any time not exceeding two years, nor less than six months; and for the second offence, be transported to any of His Majesty's colonies or plantations for the term of seven years.

Imprisonment for the first offence, transportation for the second, for engraving plates with bankers bills or notes; and for using such plates; and for having in one's possession such plates; and for uttering bills or notes taken therefrom.

57. And be it further Enacted, That if any person or persons, in any part of the United Kingdom of *Great Britain* and *Ireland*, shall engrave, cut, etch, scrape, or by any other means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other means or device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making, in or upon any plate whatsoever, any bill of exchange, promissory note, or other note for the payment of money, or part of any bill of exchange, promissory note, or other note for the payment of money, purporting to be the bill of exchange, promissory note, or other note for the payment of money, of any person or persons, body corporate, banking company or partnership, carrying on the business of bankers, without an authority in writing for that purpose from such person or persons, body corporate, banking company or partnership, or some person or persons duly authorized to give such authority; or shall use any such plate so engraved, cut, etched, scraped, or by any other means or device made, or shall use any other device for the making or printing any such bill of exchange, promissory note, or other note for the payment of money, without such authority in writing as aforesaid;

or

or if any person or persons shall, without such authority as aforesaid, knowingly have in his, her or their custody any such plate or device, or shall without such authority as aforesaid, knowingly and wilfully publish, dispose of or put away any such bill of exchange, promissory note, or other note for the payment of money, or part of such bill of exchange, promissory note, or other note for the payment of money; every person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall for the first offence be imprisoned for any time not exceeding two years, nor less than six months; and for the second offence, be transported to any of His Majesty's colonies or plantations for the term of seven years.

Imprisonment for the first offence, transportation for the second, for engraving plates with subscriptions subjoined to bankers bills or notes; and for having in one's possession such plates.

58. And be it further Enacted, That if any person or persons, in any part of the United Kingdom of *Great Britain* and *Ireland*, shall engrave, cut or etch, or by any other means or contrivance trace with a hair-stroke, or other mode of delineation, on any plate whatsoever, any of the subscriptions subjoined to any bill of exchange, promissory note, or other note for the payment of money, of any person or persons, body corporate, or other banking company or partnership carrying on the business of bankers, to be payable to bearer on demand; or shall have in his, her or their possession any plate with the hair-strokes, or other delineation, of any subscription traced thereon, subjoined to any bill of exchange, promissory note, or other note for the payment of money, purporting to be the bill of exchange, promissory note, or other note for the payment of money, of any person or persons, body corporate, or other banking company or partnership carrying on the business of bankers, and to be payable to the bearer on demand, and shall not be able to prove that such plate came into his, her or their possession, without his, her or their knowledge or consent; every person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall for the first offence be imprisoned for any time not exceeding three years, nor less than twelve months; and for the second offence, be transported to any of His Majesty's colonies or plantations for the term of seven years.

Section the Fourteenth.

Records.

Felony for avoiding certain records and process.

59. And be it further Enacted, That if any record or parcel of the same, writ, return, panel, process, or warrant of attorney in the King's Courts of Chancery, Exchequer, the one bench or the other, or in his Treasury, be willingly stolen, taken away, withdrawn, or avoided by any clerk, or by any other person, because whereof any judgment shall be reversed, that such stealer, taker away, withdrawer or avoider, their procurators, counsellors and abettors, thereof indicted, and by process thereupon made, thereof duly convict, by their own confession, or by inquest to be taken of lawful men, whereof the one half shall be of the men of any court of the same courts, and the other half of other, shall be judged for felons, and shall incur the pain of felony.

Section the Fifteenth.

Butter.

Forty pounds penalty for forging the names or marks of particular dairymen on casks of butter.

60. And be it further Enacted, That if any person shall be convicted of counterfeiting or forging any of the names or marks of any owners,

farmers, or particular dairymen, upon vessels wherein butter is packed, or of causing the same, or any of them, or any part thereof to be counterfeited or forged, the person or persons so offending shall for every such offence forfeit and pay the sum of forty pounds.

Section the Sixteenth.

Pawnbrokers.

Imprisonment for forging certain notes or memoranda; and for uttering any such.

61. And be it further Enacted, That if any person or persons whomsoever shall counterfeit, forge or alter, or cause or procure to be counterfeited, forged or altered, any such note or memorandum as in an Act passed in the thirty-ninth and fortieth years of King *George* the Third, intituled, 'An Act for better regulating the business of pawnbrokers,' is mentioned; or shall utter, vend or sell any such note as aforesaid, knowing the same to be counterfeited, forged or altered, with intent to defraud any person or persons whomsoever, in all or any or either of the said cases, such person or persons shall be punished in manner hereinafter mentioned; and it shall be lawful for any person or persons, his, her or their servants or agents, to whom any note shall be uttered or produced, shewn or offered, which he, she or they shall have reason to suspect to have been counterfeited, forged or altered, to seize and detain such person or persons uttering, producing, shewing or offering the same, and to deliver him, her or them, as soon as conveniently may be, into the custody of the constable or other peace officer, who shall and is hereby required, as soon as conveniently may be, to convey such person or persons before some justice or justices of the peace for the county, riding, division, city, liberty, town or place, wherein the offence shall be supposed to have been committed; and if upon examination it shall appear to the satisfaction of such justice or justices, that the person or persons, charged with having committed any such offence, is or are guilty thereof, then and in every such case the said justice or justices is and are hereby authorized and required to commit the party or parties offending to the common gaol, or house of correction, of the county, riding, division, city, liberty, town or place, wherein the offence shall be committed, there to be imprisoned for any time not exceeding the space of three calendar months, at the discretion of such justice or justices.

Section the Seventeenth.

Registration.

Punishment for forging certain documents relative to the registration of conveyances in Middlesex and Yorkshire

62. And be it further Enacted, That if any person or persons shall at any time forge or counterfeit any entry of the acknowledgment of any bargainer in such bargain and sale, as in an Act passed in the fifth year of Queen *Anne*, intituled, 'An Act for enrolments of bargains and sales within the West Riding of the county of *York*, in the Register Office there lately provided, and for making the said Register more effectual;' or in an Act passed in the sixth year of Queen *Anne*, intituled, 'An Act for the public registering of all deeds, conveyances, wills and other incumbrances that shall be made of, or that may affect, any honours, manors, lands, tenements or hereditaments within the East Riding of the county of *York*, or the town and county of the town of *Kingston-upon-Hull*, after the nine-and-twentieth day of September one thousand seven hundred and eight, and for the rendering the Register in the West Riding more

more complete;' or in an Act passed in the eighth year of King *George* the Second, intituled, 'An Act for the public registering of all deeds, conveyances, wills and other incumbrances that shall be made of, or that may affect, any honours, manors, lands, tenements or hereditaments, within the North Riding of the county of *York*, after the nine-and-twentieth day of September one thousand seven hundred and thirty-six,' is mentioned; or any such memorial, certificate or indorsement, as is therein mentioned or directed; or any entry of the acknowledgment of any such memorial, certificate or indorsement, as in an Act passed in the seventh year of Queen *Anne*, intituled, 'An Act for the public registering of deeds, conveyances and wills, and other incumbrances which shall be made of, or that may affect, any honours, manors, lands, tenements or hereditaments, within the county of *Middlesex*, after the twenty-ninth day of September one thousand seven hundred and nine,' is mentioned or directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties as in and by an Act made in the fifth year of Queen *Elizabeth*, intituled, 'An Act against forgery of false deeds and writings,' are imposed upon persons for forging and publishing false deeds, charters, or writings sealed, court-rolls or wills, whereby the freehold or inheritance of any person or persons, of, in or to any lands, tenements and hereditaments, shall or may be molested or charged.

Section the Eighteenth.

Charity Brief.

Fine and imprisonment for forging stamps on charity briefs.

63. And be it further Enacted, That if any person or persons shall forge or counterfeit such stamp as is mentioned in an Act passed in the fourth and fifth years of Queen *Anne*, intituled, 'An Act for the better collecting charity money on briefs by letters patent, and preventing abuses in relation to such charities;' such person being thereof lawfully convicted, shall be punished with such fine or imprisonment, or fine and imprisonment, as the court may adjudge.

Section the Nineteenth.

Wreck.

Felony for altering or erasing marks on wreck.

64. And be it further Enacted, That if any person or persons, who shall have preserved or taken possession of any such merchandize or marine stores within such jurisdiction as in an Act passed in the forty-eighth year of King *George* the Third, intituled, 'An Act for preventing the various frauds and depredations committed on merchants, ship-owners and underwriters, and boatmen and others, within the jurisdiction of the *Cinque Ports*, and also for remedying such defects relative to the adjustment of salvage, under a statute made in the twelfth year of the reign of her late Majesty Queen *Anne*,' is mentioned, shall sell, dispose of, or otherwise make away with the same, or shall in any manner conceal, deface, take out or obliterate the marks or numbers thereon, or alter the same in any manner, with intent thereby, directly or indirectly, to prevent the discovery and identity of such articles by the owner or owners thereof, such person or persons shall be deemed and adjudged guilty of felony.

Section the Twentieth.

Army.

Death sans clergy for personating another entitled to dues, or his representative, relation or creditor; and for forging instruments to obtain such dues, and for taking a false oath to obtain probate or administration; and for uttering any such.

65. And be it further Enacted, That whosoever willingly and knowingly shall personate or falsely assume the name or character of, or procure any other to personate or falsely to assume the name or character of, any officer, soldier, or other person entitled or supposed to be entitled to any wages, pay, or other allowances of money or prize-money, for service done in His Majesty's army, or the executor or administrator, wife, relation or creditor, of any such officer, soldier or other person, in order to receive any wages, pay, or other allowances of money or prize-money, due or supposed to be due or payable for or on account of the services of any such officer or soldier, or other person as aforesaid; or shall forge or counterfeit, or procure to be forged or counterfeited, or aid or assist in forging or counterfeiting, any letter of attorney, bill, ticket, order, certificate, assignment, last will, or any other power or authority whatsoever, in order to receive any such wages, pay, or other allowances of money or prize-money, which shall be due or be supposed to be due to any such officer or soldier, or other person as aforesaid; or shall willingly and knowingly take a false oath, or procure any other person to take a false oath, to obtain the probate of any will or wills, or to obtain letters of administration, in order to receive the payment of any wages, pay, or other allowances of money or prize-money, which shall be due or be supposed to be due to any such officer, soldier or other person as aforesaid, who shall have really served, or shall be supposed to have served, in His Majesty's army; or if any person shall utter or publish as true, or shall aid or assist in uttering or publishing as true, or shall cause or procure to be uttered or published as true, any false forged or counterfeited letter of attorney, bill, ticket, order, certificate, or assignment, last will, or any other power or authority whatsoever, in order to receive any wages, pay, or other allowances of money or prize-money, due or supposed to be due to any officer or soldier, or other person, who shall have really served or shall be supposed to have served, or shall hereafter serve or be supposed to have served, in his Majesty's army, with intent to defraud any person or corporation whatsoever, knowing the same to be false, forged or counterfeited; every such person, being thereof lawfully convicted, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Five hundred pounds penalty for altering prize lists.

66. And be it further Enacted, That any person or persons who shall alter the name or rating of any person or persons in any list, which shall have been so certified as in a certain Act passed in the fifty-fourth year of King *George* the Third, intituled, 'An Act for regulating the payment of army prize-money; and to provide for the payment of unclaimed and forfeited shares to *Chelsea* Hospital,' is mentioned; or erase or take away any name therefrom, or add any name thereto, after the same shall have been so certified as aforesaid, with intent to defraud any person or corporation whatsoever, shall forfeit the sum of five hundred pounds.

It shall be a misdemeanor to alter by insertion prize or bounty orders.

67. And be it further Enacted, That if any person shall insert, or cause to be inserted, in any order or authority for receiving prize or bounty-money, after attestation thereof as in that Act directed, any other matter than what shall have been originally expressed in the said order or authority when the same shall have been attested, the said person shall for every such offence be deemed guilty of a misdemeanor, and be punished accordingly.

Section the Twenty-first.

Navy.

68. And be it further Enacted, That if any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the forging or counterfeiting, the name or hand of the treasurer of His Majesty's navy for the time being, or the person or persons authorized in that behalf, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the Bank of England, on account of the treasurer of His Majesty's navy; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the forging or counterfeiting, any draft, instrument or writing in form of a draft, made by such treasurer of His Majesty's navy, or the person or persons authorized as aforesaid; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever; every such person and persons so offending, being thereof lawfully convicted, shall be, and is and are hereby declared and adjudged to be, guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Death sans clergy for forging the name of the treasurer of the navy, or authorized person, to any writing to obtain money deposited in the Bank; and for forging his draft; and for uttering any such.

69. And be it further Enacted, That if any person or persons shall willingly or knowingly personate or falsely assume, or cause, procure, aid or assist any person to personate or falsely assume, the name or character of any commissioned officer, warrant or petty officer, or seaman, or any commissioned or non-commissioned officer of marines, or marine, supernumerary or boy, or any other person entitled or supposed to be entitled to any wages, pay, prize-money, bounty-money, pension-money, or other allowances of money, for or in respect of services performed or supposed to have been performed on board of any ship or vessel of His Majesty, his heirs or successors; or shall personate or falsely assume the name or character, or shall assist in personating or falsely assuming the name or character, of the wife, widow, executor or administrator, relation or creditor, of any such officer, seaman or other person, in order to receive any wages, pay, prize-money, bounty-money, pension-money, or other allowances of money, due or supposed to be due for or in respect of the services of any such officer, seaman, marine, or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of His Majesty, his heirs or successors; or shall falsely make, forge, counterfeit or alter, or cause or procure to be falsely made, forged, counterfeited or altered, or willingly act or assist in the false making, forging, counterfeiting or altering, any letter of attorney, order, bill, ticket, approval, certificate of service, or other certificate whatsoever, receipt, assignment, last will, or other power or authority whatsoever, in order to receive or to enable any other person to receive any wages, pay, prize-money, bounty-money, pension-money, or other allowances of money, due or supposed to be due for or in respect of the services of any such officer, seaman, marine, supernumerary or boy, or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of His Majesty, his heirs or successors, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever; or shall utter or publish as true, or shall cause or procure any other person to utter or publish as true, or shall aid or assist in uttering or publishing as true, any false, forged, counterfeited or altered letter of attorney, order, bill, ticket, approval, certificate of service,

Death sans clergy for personating officers or seamen entitled to dues, or their representatives, relations or creditors; and for forging any authority or certificate; and for uttering such; and for taking a false oath to obtain probate or administration, in order to receive naval dues; and for demanding or receiving naval dues under a forged will or administration.

or other certificate whatsoever, receipt, assignment, last will, or other power or authority whatsoever, knowing the same to be false, forged, counterfeited or altered, in order to receive any wages, pay, prize-money, bounty-money, pension-money, or other allowances of money, due or supposed to be due for or in respect of the services of any such officer, seaman, marine, supernumerary or boy, or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of His Majesty, his heirs or successors, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever; or shall willingly and knowingly take a false oath to obtain the probate of any will or wills, or to obtain letters of administration, in order to receive or to enable any other person to receive any wages, pay, prize-money, bounty-money, pension-money, or other allowances of money, due or supposed to be due for or in respect of the services of any such officer, seaman, marine, supernumerary or boy, or other person as aforesaid, performed or supposed to have been performed on board of any of His Majesty's ships or vessels, his heirs or successors; or shall demand or receive, or shall cause or procure any other person to demand or receive, any wages, pay, prize-money, bounty-money, pension-money, or other allowances of money, due or supposed to be due for or in respect of the services of any such officer, seaman, marine, or other person as aforesaid, performed or supposed to have been performed on board any of His Majesty's ships or vessels, upon or by virtue of any probate of any will or letters of administration, knowing the will on which such probate shall have been obtained, to be false, forged and counterfeited; or knowing the probate of such will or such letters of administration as last aforesaid, to have been obtained by means of any such false oath as aforesaid, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever, then every such person or persons so offending, and being thereof convicted according to due course of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

Seven years transportation for signing a petition falsely representing oneself to be the relation of a deceased petty officer or seaman; and for uttering such; and for demanding naval dues upon a forged inspector of wills certificate.

70. And be it further Enacted, That if any person shall sign or subscribe, or cause or procure any other person to sign or subscribe, any petition or application to the treasurer or paymaster of His Majesty's navy for the time being, falsely and wilfully representing herself or himself to be the widow, or the nearest or one of the nearest of kindred, of any deceased petty officer or seamen, non-commissioned officer of marines or marine, who shall have belonged to or served on board any of His Majesty's ships or vessels; or utter or publish, or cause or procure any other person to utter or publish, any such petition or application so signed or subscribed as aforesaid, containing such false and wilful representation as aforesaid, in order to obtain a certificate from the inspector of seamen's wills and powers, to procure letters of administration to the effects of any such petty officer or seamen, non-commissioned officer of marines or marine, or to procure payment of any wages, pay, prize-money, bounty-money, or other allowances of money, under twenty pounds, for or in respect of services on board any ship or vessel of His Majesty, his heirs or successors; or if any person or persons shall demand or receive, or cause or procure any other person to demand or receive, any wages, pay, prize-money, bounty-money, or other allowance of money, due or supposed to be due for or in respect of the services of any such petty officer or seaman, non-commissioned officer of marines or marine, upon or by virtue of any certificate from the said inspector of seamen's wills, knowing such certificate to have been obtained by false representations or pretences; every such person shall, on being convicted of any such offence in due form of law, be transported

ported beyond the seas for the term of seven years, in like manner as persons convicted of felony are directed to be transported by the laws and statutes of this realm.

Felony, with transportation for life, fourteen or seven years, for forging parish minister's or householder's signature to certain certificates; and for uttering such.

71. And be it further Enacted, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly act and assist in the false making, forging or counterfeiting, the signature of any minister or householder of any parish, to any certificate annexed, or subjoined to, or contained in any check or petition for a certificate, as required, described and mentioned in an Act passed in the fifty-fifth year of King *George* the Third, intituled, 'An Act to repeal several Acts relating to the execution of letters of attorney and wills of petty officers, seamen and marines in His Majesty's navy, and to make new provisions respecting the same,' to enable any person or persons to obtain probate of any will or letters of administration to any such petty officer or seaman, non-commissioned officer of marines or marine; or shall utter or publish as true any such certificate annexed, or subjoined to, or contained in any such check or petition, with any false, forged or counterfeited signature of any such minister or householder of any parish subscribed thereto, knowing the same signature to be false, forged or counterfeited, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever, then every such person so offending, and being thereof convicted by due course of law, shall be deemed guilty of felony, and shall be transported as a felon, for the term of his or her natural life, or for the term of fourteen years, or seven years, as the court before which such offender or offenders shall be tried shall adjudge.

It shall be a misdemeanor to personate a relation in certain cases; or to receive prize-money, not being a relation or licensed, or after license revoked.

72. And be it further Enacted, That if any person shall falsely represent himself or herself to be within any of the degrees of relationship in blood, as described in an Act passed in the fifty-ninth year of King *George* the Third, intituled, 'An Act to make further regulations as to the payment of navy prize-orders,' in order to enable himself or herself to receive any prize-money or bounty-money, or share of prize-money or bounty-money, due or to grow due for or on account of the services of any such petty officer, non-commissioned officer, seaman or marine, supernumerary or boy, under any such order as therein mentioned; or who, not being within any such degree of relationship, and not being licensed as therein mentioned, shall receive any wages, pay, prize-money, bounty-money, or other allowances of money, for the use of any such petty officer, non-commissioned officer, seaman or marine, supernumerary or boy; or if any agent or person, whose license shall have been revoked as therein mentioned, shall offer himself to receive, or shall receive, any such wages, pay, prize-money, bounty-money, or other allowance of money, not being within any of the degrees of relationship therein mentioned, and be thereof duly convicted, shall be deemed guilty of a misdemeanor, and punished accordingly.

Punishment (inter alia) as a rogue and vagabond, for forging or erasing certain certificates.

73. And be it further Enacted, That if any person shall forge, counterfeit, erase or alter, or shall procure to be forged, counterfeited, erased or altered, any certificate, in order to entitle him or her to any the pensions, allowances, or benefits of an Act passed in the twentieth year of King *George* the Second, intituled, 'An Act for the relief and support of maimed and disabled seamen, and the widows and children of such as shall be killed, slain or drowned, in the merchant service,' and shall produce or cause such certificate to be produced for that purpose, such person so applying for relief or provision shall be for ever incapable of receiving any the benefits of that Act, and shall be subject and liable to the like punishment as an incorrigible rogue is subject and liable to, and shall be punished according as such.

 74. And

Punishment as in cases of perjury for petty officers or seamen receiving, or attempting to receive, pay upon forged certificates of servitude or discharge; and for forging such certificates.

74. And be it further Enacted, That if any petty officer or seaman, non-commissioned officer of marines or marine, shall receive his pay, or shall attempt to receive the same, or any part thereof, upon any certificate, purporting to be a certificate of servitude or a certificate of discharge, knowing the same to be forged or counterfeited; or if any such petty officer or seaman, non-commissioned officer of marines or marine, or any other person, shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited; or shall willingly act or assist in the false making, forging or counterfeiting of any such certificate, every such petty officer or seaman, non-commissioned officer of marines or marine, or other person, being thereof lawfully convicted, shall be punished as in cases of wilful and corrupt perjury.

Five hundred pounds penalty for erasing or altering prize lists.

75. And be it further Enacted, That any person or persons who shall alter the name or rating of any person or persons, in any list which shall have been so certified as mentioned in an Act passed in the fifty-fourth year of the reign of King *George* the Third, intituled, 'An Act for regulating the payment of navy prize-money, and the transmission of accounts and payment of balances to *Greenwich* Hospital;' or erase or take away any name therefrom, or add any name thereto, after the same shall have been so certified as aforesaid, with intent to defraud any person or persons or any corporation whatsoever, shall forfeit the sum of five hundred pounds.

It shall be a misdemeanor to alter orders for receiving prize-money.

76. And be it further Enacted, That if any person shall insert, or cause to be inserted, in any order or authority for receiving prize or bounty-money, after attestation thereof as directed in an Act passed in the fifty-fourth year of the reign of King *George* the Third, intituled, 'An Act for regulating the payment of navy prize-money, and the transmission of accounts and payment of balances to *Greenwich* Hospital,' the name or description of any prize or bounty-money, other than what shall have been originally expressed in the said order or authority when the same shall have been attested, the said person shall for every such offence be deemed guilty of a misdemeanor, and be punished accordingly.

Twenty pounds penalty (inter alia) for one seaman personating another in relation to protections against impressment; and for forging such protections.

77. And be it further Enacted, That any seaman personating or taking another's name, or any seaman or other person whatever counterfeiting any license, as mentioned in an Act passed in the seventh and eighth years of King *William* the Third, intituled, 'An Act for the increase and encouragement of seamen,' shall forfeit twenty pounds, and be liable to such further punishment as by law may be inflicted for such a fraud or misdemeanor; and any seaman so offending as above, shall be incapable of the benefit of that Act.

Section the Twenty-second.

Chancery.

Death sans clergy for forging the signature of the accountant-general of the Court of Chancery, the register, the clerk of the report office, or a cashier, or for forging any writing of those persons; and for uttering any such.

78. And be it further Enacted, That if any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting, the name or hand of the accountant-general of the Court of Chancery, the register, the clerk of the Report Office, or any of the cashiers of the governor and company of the Bank of England, to any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing whatsoever, for or in order to the receiving or obtaining any the money or effects of any of the suitors of the said Court of Chancery; or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act

act or assist in forging or counterfeiting, any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing in form of a certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, made by such accountant-general, register, clerk of the Report Office, or any of the cashiers of the said governor and company of the Bank of England; or shall utter or publish any such, knowing the same to be forged or counterfeited, with intention to defraud any person whatsoever; then every such person and persons so offending, being thereof lawfully convicted, shall be, and is hereby declared and adjudged to be, guilty of felony, and shall suffer death, as in case of felony, without benefit of clergy.

Section the Twenty-third.

Exchequer.

Death sans clergy for forging the signature of the accountant-general of the Court of Exchequer, or any of the barons, or clerk of the reports, or a cashier; and for forging any writing of those persons; and for uttering any such; and for demanding payment of any such.

79. And be it further Enacted, That if any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or willingly aid or assist in the forging or counterfeiting, the name or handwriting of any accountant-general of the Court of Exchequer at Westminster, or any lord chief baron, or any of the barons of the said court, or of the clerk of the reports, or of any of the cashiers of the governor and company of the Bank of England, or of any officer of any other body politic or corporate, or company, whom it may concern, to any certificate, report, entry, indorsement, transfer, declaration of trust, note, direction, authority, receipt, instrument, or writing whatsoever, for or in order to the receiving or obtaining any money or effects of any of the suitors of the said Court of Exchequer; or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully aid or assist in forging or counterfeiting any certificate, report, entry, indorsement, transfer, declaration of trust, note, direction, authority, receipt, or any instrument or writing in form of a certificate, report, entry, indorsement, declaration of trust, note, direction and authority, receipt, instrument or writing, made or given by such accountant-general, clerk of the reports, or any of the cashiers of the governor and company of the Bank of England; or shall utter or publish any such, knowing the same to be forged or counterfeited, or shall claim or demand payment of any sum or sums of money therein mentioned, with intent to defraud any person or persons, or body politic or corporate, or any public company whomsoever; then every such person and persons so offending, being thereof lawfully convicted, shall be, and is hereby declared and adjudged to be, guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy.

Section the Twenty-fourth.

Land Revenue.

Death sans clergy for forging signatures to transfers of certain funds, or to receipts for certain dividends, or to instruments to transfer such funds or to receive such dividends, or to writings to obtain certain monies

80. And be it further Enacted, That if any person or persons shall forge, counterfeit or alter, or cause or procure to be forged, counterfeited or altered, or knowingly and wilfully act or assist in forging, counterfeiting or altering, the name or names of any person or persons in or to any transfer of any Bank annuities or funds, by an Act passed in the fifty-fourth year of King *George* the Third, intituled, 'An Act for the further improvement of the Land Revenue of the Crown,' authorized or directed to be sold, assigned, transferred or disposed of, or to any receipt

in custody of the Bank; and for uttering any such.

receipt or discharge for any dividends or payments due or to become due thereon, or to any letter of attorney, warrant or other instrument to sell, assign, transfer or dispose of any such Bank annuities or funds, or to receive any dividends or payments due or to become due thereon, or to any letter of attorney, draft, warrant, instrument or writing whatsoever, for or in order to the receiving or obtaining any of the money which is, or shall be, in the hands or custody of the governor and company of the Bank of England, or of any other person or persons under any of the provisions of the said Act; or shall produce, utter or publish any such letter of attorney, draft, warrant, instrument or writing, knowing the same to be forged or counterfeited, with an intent to defraud His Majesty, his heirs or successors, or the said governor and company, or any other person or persons whomsoever; every person or persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy.

Section the Twenty-fifth.

Woods and Forests.

Death sans clergy for forging the signature of the surveyor-general or his deputy, or the commissioners of the woods and forests and land revenue; or their draft; and for uttering any such.

81. And be it further Enacted, That if any person or persons shall knowingly and wilfully forge or counterfeit, or knowingly and wilfully act or assist in forging or counterfeiting, the name or handwriting of the surveyor-general of the woods and forests for the time being, or his deputy, or either of the commissioners of His Majesty's woods, forests and land revenue for the time being, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the Bank of England, on account of the said surveyor-general of the woods and forests, or the said commissioners; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft, instrument or writing in form of a draft, made by such surveyor-general, or his deputy, or the person or persons authorized in that behalf, or the said commissioners, or any or either of them; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intent to defraud the said governor and company, or any body corporate, or any person or persons whomsoever; every person or persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of felony, without benefit of clergy.

Section the Twenty-sixth.

Admiralty.

Felony for forging the signature of the registrar of the Admiralty, or Prize Appeal Court, or of a bank cashier, and for forging their writings, and for uttering any such.

82. And be it further Enacted, That if any person shall forge or counterfeit, or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting, the name or hand of the registrar for the time being of the high court of Admiralty, or high court of Appeals for Prizes, or his deputy, or any of the cashiers of the governor and company of the Bank of England, to any certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing whatever, for or in order to the receiving or obtaining any of the money or effects of any of the suitors of the said courts, or either of them; or shall forge or counterfeit, or procure to be forged or counterfeited, or willingly

lingly act or assist in forging or counterfeiting, any certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, made by such registrar or his deputy, or any of the cashiers of the said governor and company of the Bank of England; or shall utter or publish any such, knowing the same to be forged or counterfeited, with intention to defraud any person whatsoever; then every such person and persons so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged guilty of felony.

Section the Twenty-seventh.

Alien.

Imprisonment for forging alien certificates, and for obtaining such under other names, and for pretending to be the person therein described.

83. And be it further Enacted, That if any person shall wilfully forge, counterfeit or alter, or cause to be forged, counterfeited or altered, or shall utter, knowing the same to be forged, counterfeited or altered, any certificate directed to be obtained by an Act, passed in the fifty-sixth year of King *George* the Third, intituled, 'An Act for establishing regulations respecting aliens arriving in or resident in this kingdom, in certain cases, for two years from the passing of this Act, and until the end of the session of parliament in which the said two years shall expire, if parliament shall be then sitting;' or shall obtain any such certificate under any other name or description than the true name and description of such alien, without disclosing to the person granting such certificate the true name and description of such alien, and the reason for concealing the same; or shall falsely pretend to be the person intended to be named and described in any such certificate; every person so offending, being lawfully convicted thereof, shall suffer imprisonment in the common gaol for any time not exceeding one year (1).

(1) The Alien Enactments relating to Forgery are contained in 33 G. 3. c. 4. s. 13; 33 G. 3. c. 4. s. 25; 38 G. 3. c. 50. s. 19; 42 G. 3. c. 92. s. 13; 43 G. 3. c. 155. s. 17; 43 G. 3. c. 155. s. 20; 54 G. 3. c. 155. s. 15; 55 G. 3. c. 54. s. 17; 55 G. 3. c. 54. s. 20; 56 G. 3. c. 86. s. 14. But, of these, some only are now in force, as will appear from the following statement:—

33 G. 3. c. 4. The continuance of this Act was limited to 1st January 1794, and thence to the end of the then next session of parliament. By subsequent Acts, of which the 41 G. 3. c. 24, is the last, it was continued until six months after the conclusion of a general peace. As there is no Act continuing it beyond that period, it has expired.

38 G. 3. c. 50. The continuance of this Act was limited to 1st August 1800, and thence to the end of the then next session of parliament. By 41 G. 3. c. 24, it was continued until six months after the conclusion of a general peace. As there is no Act continuing this Act, it expired; with the exception, however, of section nine, which was made perpetual by the 42 G. 3. c. 92. s. 23; the 42 G. 3. c. 92, however, was afterwards repealed.

42 G. 3. c. 92. This Act was not limited in point of duration. And though it was repealed by 43 G. 3. c. 155. s. 1. yet the 43 G. 3. c. 155. was itself repealed, without the usual exception, in as far as it had repealed any prior Act or Enactment. Hence the 42 G. 3. c. 92. is in force so far as it is consistent with subsequent Enactments.

43 G. 3. c. 155. The continuance of this Act was limited until three months after the ratification of a definitive treaty of peace. And though it was repealed by the 54 G. 3. c. 155. s. 1. yet the 54 G. 3. c. 155. was itself repealed, without the usual exception, in as far as it had repealed any prior Act or Enactment. Hence the 43 G. 3. c. 155. would have been now in force, had not the period originally prescribed for its duration expired.

54 G. 3. c. 155. The continuance of this Act was limited until the end of the then next session of parliament. It was repealed by 55 G. 3. c. 54. s. 1.

Section the Twenty-eighth.

Coal Meter.

Ten shillings penalty for altering coal-meters tickets.

84. And be it further Enacted, That if such carman, or person employed to cart, carry, lead or drive the coals described in such ticket as in an Act passed in the seventh year of King *George* the Third, intituled, 'An Act to prevent frauds and abuses in the admeasurement of coals sold by wharf measure within the city of *London* and the liberties thereof, and between *Tower Dock* and *Limehouse Hole* in the county of *Middlesex*;' or in an Act passed in the twenty-sixth year of King *George* the Third, intituled, 'An Act for explaining, amending and reducing into one Act of parliament the several Acts passed for more effectually preventing the frauds and abuses committed in the admeasurement of coals within the city and liberty of *Westminster*, and that part of the Duchy of *Lancaster* adjoining thereto, and the several parishes of *Saint Giles's in the Fields*, *Saint Mary-le-bon*, and such part of the parish of *Saint Andrew Holborn* as lies in the county of *Middlesex*,' shall, after the same ticket shall have been so delivered to him by the labouring coal meter countersigning the same, alter the same ticket as in that Act mentioned, such carman, or person employed to cart, lead or drive the coals described in such ticket, shall forfeit and pay for every such offence the sum of ten shillings.

Punishment for delivering a forged ticket.

85. And be it further Enacted, That if any labouring coal meter appointed and qualified pursuant to the Act of the seventh year aforesaid, or of an Act passed in the twenty-sixth year of King *George* the Third, intituled, 'An Act to explain and amend an Act passed in the seventh year of the reign of His present Majesty, to prevent frauds and abuses in the admeasurement of coals sold by wharf measure within the city of *London* and the liberties thereof, and between *Tower Dock* and *Limehouse Hole* in the county of *Middlesex*,' or of the other Act of the twenty-sixth year aforesaid, shall deliver a counterfeit ticket to any dealer, consumer, carman or other person, with intent to prejudice or defraud any person or persons whomsoever, and shall be in any or either of the said cases convicted thereof, by the oaths, or being of the people called Quakers, by affirmation, of two or more credible witnesses, before one or more of His Majesty's justices of the peace for the county of *Middlesex* or city and liberty of *Westminster*, he shall be rendered incapable of ever serving thereafter in the office of a coal meter; and the principal land coal meters or coal meter for the time being, shall for every such offence of such labouring coal meter, so convicted as aforesaid, forfeit and pay the sum of forty shillings.

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55 G. 3. c. 54. The continuance of this Act was limited to twelve months, and as there is no Act continuing it farther, it has expired.

56 G. 3. c. 86. The continuance of this Act was limited to two years, and until the end of the session in which those two years should expire, if parliament was then sitting. It was continued by 58 G. 3. c. 96, from 26 June 1818 for two years, and until the end of the session in which those two years should expire, if parliament was then sitting. It was farther continued by 1 G. 4. c. 105. from its expiration for two years. It was farther continued by 3 G. 4. c. 97. from its expiration for two years.

What enactments are in force.

The result, therefore, of this statement is, that the Alien Enactments relative to Forgery now in force are, the 42 G. 3. c. 92. s. 13. and the 56 G. 3. c. 86. s. 14. Since, however, it is owing to an oversight that the 42 G. 3. c. 92. was revived, after having been repealed, the 56 G. 3. c. 86. s. 14. may be considered as the only Alien Enactment relative to Forgery, now operative.

Section the Twenty-ninth.

Election.

86. And be it further Enacted, That if any assessor or chief constable, as in an Act passed in the twentieth year of King *George* the Third, intituled, 'An Act to remove certain difficulties relative to voters at county elections,' is mentioned, shall wilfully alter or deface such duplicate as therein mentioned, every such assessor and chief constable so offending shall, for every such offence, forfeit the sum of five pounds.

Five pounds penalty for altering or defacing certain duplicates.

Section the Thirtieth.

Fisheries.

87. And be it further Enacted, That if any person or persons whatsoever shall counterfeit such seal or mark as in an Act passed in the twenty-third year of King *George* the Second, intituled, 'An Act for the encouragement of the *British* white herring fishery,' or shall knowingly affix such seal or mark so counterfeited to any barrel or cask of fish not belonging to the said society, therein mentioned, such person shall forfeit and pay the sum of five hundred pounds.

Five hundred pounds penalty for forging certain marks; and for uttering any such

88. And be it further Enacted, That if any person or persons shall counterfeit, erase, alter, or falsify any certificate or certificates required by an Act passed in the twenty-fifth year of King *George* the Third, intituled, 'An Act for further encouraging and regulating the southern whale fisheries;' or shall knowingly or willingly make use of any certificate or certificates so counterfeited, erased, altered or falsified, such person or persons shall for every such offence forfeit the sum of five hundred pounds, and every such certificate or certificates shall be invalid and of no effect.

Five hundred pounds penalty for forging or erasing certain certificates.

Section the Thirty-first.

Gun-barrel.

89. And be it further Enacted, That every person who shall in any part of the United Kingdom forge or counterfeit, or cause or procure to be forged or counterfeited, or assist or join in forging or counterfeiting, any mark or stamp used or which may be used at any proof-house for proving and marking barrels, in pursuance of an Act passed in the fifty-third year of King *George* the Third, intituled, 'An Act to insure the proper and careful manufacturing of fire-arms in *England*, and for making provision for proving the barrels of such fire-arms;' or shall wilfully or knowingly sell or offer for sale, or use in the making or manufacturing of any gun, fowling-piece, blunderbuss, pistol, or other description of fire-arms as aforesaid, any barrel, finished, welded or forged, or in any other progressive state of manufacture, whereon shall be any mark or stamp which shall be forged or counterfeited, in imitation of or to resemble any mark or stamp so used or to be used at any such proof-house, shall respectively forfeit and pay for each and every such barrel, whereon any such forged or counterfeit mark shall be, any sum not exceeding twenty pounds.

Twenty pounds penalty for forging gun-barrel marks; and for uttering any such.

Section the Thirty-second.

Hawker.

Three hundred pounds penalty for forging a hawker's license; and for using such.

90. And be it further Enacted, That if any person or persons whatsoever shall forge or counterfeit any license or licenses, by an Act passed in the fiftieth year of King *George* the Third, intituled, 'An Act for placing the duties of hawkers and pedlars under the management of the Commissioners of Hackney Coaches,' directed to be granted; or travel with, or produce or shew, any such forged or counterfeited license or licenses, for any of the purposes in that Act mentioned; every such person shall for every such offence forfeit the sum of three hundred pounds.

Section the Thirty-third.

Hops.

One hundred pounds penalty for forging certain marks on hops; and twenty pounds penalty for defacing such marks.

91. And be it further Enacted, That if any person or persons shall counterfeit or alter, or cause, procure or suffer to be counterfeited or altered, any or either of the matters or things by an Act passed in the thirty-ninth and fortieth years of King *George* the Third, intituled, 'An Act to repeal an Act made in the fourteenth year of the reign of his present Majesty, intituled, An Act to prevent frauds in the buying and selling of hops, and for the better collection of the duty on hops, and to prevent frauds and abuses in the trade of hops,' directed to be marked or caused to be marked, and so marked or caused to be marked, by any such owner, planter or grower of hops as therein mentioned, or so therein directed to be marked and so marked by any officer, as therein mentioned, the person or persons so offending shall, for each and every such offence, severally forfeit and lose the sum of one hundred pounds; and if any person or persons shall wilfully deface or obliterate any or either of the matters or things therein directed to be marked or caused to be marked, and so marked by any such owner, planter or grower of hops, or therein directed to be marked and so marked by any such officer; or shall cause or procure any such matter or thing to be defaced or obliterated; or shall connive at any such matter or thing being so defaced or obliterated; the person or persons so offending shall, for each and every such offence, severally forfeit and lose the sum of twenty pounds.

Section the Thirty-fourth.

Letters of Marque.

Five hundred pounds penalty for forging or erasing letters of marque, or certificates for obtaining the same; and for uttering any such.

92. And be it further Enacted, That if any person or persons shall counterfeit, erase, alter or falsify any commission for war, or letters of marque, or any warrant for making out the same, or any certificate required or directed by an Act passed in the fifty-fourth year of King *George* the Third, intituled, 'An Act for regulating the payment of navy prize-money, and the transmission of accounts and payment of balances to *Greenwich* Hospital;' or by an Act passed in the fifty-fifth year of King *George* the Third, intituled, 'An Act for the encouragement of seamen, and the more effectual manning of his Majesty's navy during the present war,' to be given for obtaining the same; or shall publish or make

make use of any such commission for war, or warrant for making out the same, or any certificate as aforesaid, knowing the same to be counterfeited, erased, altered or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds.

Section the Thirty-fifth.

Marriage.

93. And be it further Enacted, That if any person shall, with intent to elude the force of an Act passed in the twenty-sixth year of King *George* the Second, intituled, 'An Act for the better preventing of clandestine marriages,' knowingly and wilfully insert, or cause to be inserted, in the register book of such parish or chapelry as therein mentioned, any false entry of any matter or thing relating to any marriage, or falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or act or assist in falsely making, altering, forging or counterfeiting, any such entry in such register; or falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or assist in falsely making, altering, forging, or counterfeiting, any such license of marriage as therein mentioned; or utter or publish as true, any such false, altered, forged or counterfeited register as aforesaid, or a copy thereof; or any such false, altered, forged or counterfeited license of marriage, knowing such register or license of marriage respectively to be false, altered, forged or counterfeited; or if any person shall wilfully destroy, or cause or procure to be destroyed, any register book of marriages, or any part of such register book, with intent to avoid any marriage, or to subject any person to any of the penalties of that Act; every person so offending, and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of felony, and shall suffer death as a felon without benefit of clergy.

Death sans clergy for falsifying marriage register books; and for forging entries therein, or licenses; and for uttering any such; and for destroying register books.

Section the Thirty-sixth.

Mediterranean Pass.

94. And be it further Enacted, That if any person or persons shall within *Great Britain* or *Ireland*, or any other His Majesty's dominions, or without, falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or wittingly or knowingly act or assist in the false making, forging or counterfeiting, any pass or passes for any ship or ships whatsoever, commonly called a *Mediterranean* Pass or *Mediterranean* Passes; or shall counterfeit the seal of the office of lord high admiral of *Great Britain* and *Ireland*, or the hand or hands of the lord high admiral of *Great Britain* and *Ireland* for the time being, or of any commissioner or commissioners for executing the said office for the time being, to any such pass or passes; or shall alter or erase any true and authentic pass or passes, issued or made out by the lord high admiral of *Great Britain* and *Ireland*, or the commissioners for executing the said office for the time being; or shall utter or publish as true, any such false, forged, counterfeited, altered or erased pass or passes, knowing the same to be false, forged, counterfeited, altered or erased; all and every such person and persons, being in due form of law convicted of any of the offences aforesaid, in any proper court of *Great Britain, Ireland*, or any of His Majesty's plantations beyond the seas, where such offence shall be committed respectively, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony,

Death sans clergy for forging or erasing Mediterranean passes; and for uttering any such.

without benefit of clergy: Provided always, that all and every the crimes and offences before mentioned, which shall be done or committed in any country or place out of *Great Britain*, either within the dominions of His Majesty, his heirs or successors, or without, shall and may be inquired of, tried, heard, determined and adjudged, in any shire or county of *Great Britain*, by virtue of the King's commission, or commissions of oyer and terminer and gaol delivery, or before any court of justiciary in *Scotland* respectively, in the same manner as if such offence or offences was or were done or committed within the same county or shire where such offender or offenders shall be tried; any law, statute, custom or usage to the contrary notwithstanding.

Section the Thirty-seventh.

Parish Register.

Fourteen years transportation for falsifying certain register books; and for destroying, defacing or injuring any such; and for signing or certifying a false register.

95. And be it further Enacted, That if any person shall knowingly and wilfully insert, or cause or permit to be inserted, in any such register book of such baptisms, burials or marriages, as in an Act passed in the fifty-second year of King *George* the Third, intituled, 'An Act for the better regulating and preserving parish and other registers of births, baptisms, marriages and burials in *England*,' is mentioned, or in any such copy of any such register so directed to be transmitted to the registrars as therein mentioned, or in any such lists or declarations also directed to be transmitted to such registrars as therein mentioned, any false entry of any matter or thing relating to any baptism, burial or marriage; or shall falsely make, alter, forge or counterfeit, or cause or procure or wilfully permit to be falsely made, altered, forged or counterfeited, any part of any such register, list or declaration, or of any such copy of any such register; or shall wilfully destroy, deface or injure, or cause or procure or permit to be destroyed, defaced or injured, any such register book, or any part thereof; or shall knowingly and wilfully sign or certify any copy of any such register, thereby required to be transmitted, as therein mentioned, which shall be false in any part thereof, knowing the same to be false; every person so offending, and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of felony, and shall be transported for the term of fourteen years.

Section the Thirty-eighth.

Pilot.

Punishment for altering or obliterating certain license; and for assigning certain licenses.

96. And be it further Enacted, That any boatman who shall alter any such license as mentioned in an Act passed in the fifty-third year of King *George* the Third, intituled 'An Act to amend an Act made in the last session of parliament, intituled, An Act for the more effectual regulation of pilots, and of the pilotage of ships and vessels on the coast of *England*, and for the regulation of boatmen employed in supplying vessels with pilots, licensed under the said Act, so far as relates to the coast of *Kent*, within the limits of the *Cinque Ports*,' or obliterate the same, or knowingly permit or suffer any alteration or obliteration to be made in such license, or who shall transfer or lend any such license to any other person or persons, or who shall refuse to produce his license for inspection, shall for every such offence forfeit such license, or forfeit and pay any sum not exceeding ten pounds, at the discretion of the commissioners therein mentioned.

Section the Thirty-ninth.

Prefines.

97. And be it further Enacted, That if any person shall make, forge or counterfeit, or cause or procure to be made, forged or counterfeited, the mark or hand of the receiver of the prefines, at the Alienation Office, upon any writ of covenant, whereby such receiver or any other person shall or may be defrauded, or suffer any loss thereby, every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Death sans clergy for forging the signature of the receiver of the prefines.

Section the Fortieth.

Quarantine.

98. And be it further Enacted, That if any person shall knowingly and wilfully forge or counterfeit, interline, erase or alter, or procure to be forged or counterfeited, interlined, erased or altered, any certificate directed or required to be granted by any order of His Majesty, his heirs or successors, in council, now in force or hereafter to be made, touching quarantine, and the prevention of infection; or shall publish as true any such forged or counterfeited, interlined, erased or altered certificate, knowing the same to be forged or counterfeited, interlined, erased or altered, or shall knowingly and wilfully utter and publish any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false; he or she shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy.

Death sans clergy for forging quarantine certificates; and for uttering any such.

Section the Forty-first.

Receipt.

99. And be it further Enacted, That if any person shall counterfeit any receipt for any monies payable by virtue of an Act passed in the eighth year of Queen *Anne*, intituled, 'An Act for laying certain duties upon candles, and certain rates upon monies to be given with clerks and apprentices, towards raising her Majesty's supply for the year one thousand seven hundred and ten,' every such person, being convicted of any such offence, shall be adjudged a felon, and suffer as in cases of felony, without benefit of clergy.

Death sans clergy for forging certain receipts.

Section the Forty-second.

Russian and Prussian Subsidy.

100. And be it further Enacted, That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or willingly act or aid or assist in the forging or counterfeiting, any bill, receipt, instrument or security, made and issued under the authority of an Act passed in the fifty-fourth year of King *George* the Third, intituled, 'An Act for giving effect to certain engagements of His Majesty with the Emperor of all the *Russias* and the King of *Prussia*, for furnishing a part of the pecuniary succours for assisting his Majesty's said Allies in supporting the expenses of the war with *France*;' or the signature

Death sans clergy for forging certain instruments relating to the Russian and Prussian subsidy; and for uttering any such.

ture or name of any commissioner, or other person or persons, to or upon any such bill, receipt, instrument or security; or any indorsement or writing upon any such bill, receipt, instrument or security; or alter, or cause or procure to be altered, or act as aforesaid, or assist in the altering any number, figure or word therein; or utter or publish as true any such false, forged, counterfeited or altered bill, receipt, instrument or security, knowing the same to be forged, counterfeited or altered, with intent to defraud His Majesty, his heirs or successors, or any body politic or corporate, or person or persons whatsoever; then and in every such case, every person, being thereof convicted in due form of law, shall be adjudged guilty of felony, and suffer death as a felon without benefit of clergy.

Section the Forty-third.

Servant's Character.

Twenty pounds penalty for offering oneself with a forged certificate of character, or for altering a genuine certificate.

101. And be it further Enacted, That if any person shall offer himself or herself as a servant with a false, forged or counterfeit certificate of his or her character, or shall in anywise add to or alter, efface or erase, any word, date, matter or thing contained in, or referred to, in any certificate given to him or her by his or her last or former actual master or mistress, or by any other person or persons duly authorized by such master or mistress to give the same, that then, and in either of the said cases, such person or persons shall forfeit the sum of twenty pounds.

Section the Forty-fourth.

Shipping.

Five hundred pounds penalty for forging or erasing certain certificates relative to ships; and for uttering any such.

102. And be it further Enacted, That if any person or persons shall counterfeit, erase, alter, or falsify any certificate required or directed to be obtained by an Act passed in the twenty-sixth year of King *George* the Third, intituled, 'An Act for the further increase and encouragement of shipping and navigation;' or shall knowingly or wilfully make use of any certificate so counterfeited, erased, altered or falsified; such person or persons shall, for every such offence, forfeit the sum of five hundred pounds.

One hundred pounds penalty for forging or erasing certain certificates relative to boats; and for uttering any such.

103. And be it further Enacted, That if any person or persons shall counterfeit, erase, alter or falsify any certificate required or directed to be obtained by an Act passed in the thirty-fifth year of King *George* the Third, intituled, 'An Act for requiring all boats, barges and other vessels, of certain descriptions, used on navigable rivers, and on inland navigations, in Great Britain, to be registered;' or shall knowingly or wilfully make use of any certificate so counterfeited, erased, altered or falsified; such person or persons shall, for every such offence, forfeit the sum of one hundred pounds.

Section the Forty-fifth.

Slave Trade.

Death sans clergy for forging certain documents relative to the abolition of the slave trade; and for uttering any such.

104. And be it further Enacted, That if any person shall wilfully and fraudulently forge or counterfeit any such certificate, copy of sentence of condemnation, or receipt, as in an Act passed in the forty-seventh year of King *George* the Third, intituled, 'An Act for the abolition of the slave trade,' is mentioned, or any part thereof; or shall knowingly and

and wilfully utter or publish the same, knowing it to be forged or counterfeited, with intent to defraud His Majesty, his heirs and successors, or any other person or persons whatever; the party so offending shall, on conviction, suffer death as in cases of felony, without benefit of clergy.

Section the Forty-sixth.

Thread.

105. And be it further Enacted, That such person or persons who shall imitate or counterfeit the mark or stamp used by any manufacturer of such thread, as in an Act passed in the twenty-eighth year of King *George* the Third, intituled, 'An Act for the better regulation of the manufacture of ounce thread,' is mentioned, in order to make the thread therewith stamped pass for the manufacture of the person whose stamp is so counterfeited; or who shall mark or stamp any thread with a stamp so counterfeited; or who shall sell or expose to sale any thread so marked with a counterfeit stamp, knowing the same to be counterfeited, and shall be convicted thereof, shall, in every such case, forfeit all such stamp or stamps, to be broken and destroyed, and shall also forfeit the thread so stamped with such counterfeited stamp, and the sum of ten pounds.

Ten pounds penalty, and forfeiture of the subject-matter, for forging a manufacturer's mark; and for uttering any such.

Section the Forty-seventh.

Wax.

106. And be it further Enacted, That if any person or persons shall counterfeit any the marks mentioned in an Act passed in the twenty-third year of Queen *Elizabeth*, intituled, 'An Act touching the true making, melting and working of wax;' or shall set to the mark or marks of any other person or persons, without the consent of the same person or persons whose names the said marks shall signify; then every such offender in the premises shall forfeit for every such default five pounds; and for non-sufficiency of payment thereof shall suffer three months imprisonment, without bail or mainprize, for every offence.

Punishment for forging marks on wax.

Section the Forty-eighth.

Weights.

107. And be it further Enacted, That if any person or persons shall forge or counterfeit any stamp or mark to resemble any stamp or mark provided or used in pursuance of an Act, passed in the fourteenth year of King *George* the Third, intituled 'An Act for regulating and ascertaining the weights to be made use of in weighing the gold and silver coin of this kingdom;' or shall counterfeit or resemble the impression of any such stamp or mark as aforesaid, on any such weight or weights, as in that Act mentioned; or shall utter, vend or sell any such weight or weights, with the impression of such counterfeit stamp or mark thereupon, knowing the same to be counterfeited; or shall wilfully increase or diminish any such weight after it has been stamped or marked in manner therein directed; or shall make use of any such weight in weighing the gold and silver coin of this realm, knowing the same to have been so increased or diminished; every such person and persons shall, for every such offence, forfeit and pay any sum not exceeding the sum of fifty pounds; and on default of payment shall be committed to the common gaol, or house of correction, for any time not exceeding three months.

Punishment for forging stamps for marking weights for gold and silver coin; and for using any such; and for uttering any such; and for increasing or diminishing genuine weights.

Section the Forty-ninth.

Woollens.

Forty shillings penalty for forging, removing or defacing marks on cloth made in Yorkshire.

108. And be it further Enacted, That if any person or persons shall take off, or in any manner alter, deface, obliterate, counterfeit or cut out, any of the seals, or any of the figures or letters stamped thereupon, any letter or letters set or woven in such cloth, as in an Act passed in the eleventh year of King *George* the Second, intituled, 'An Act for the better regulating the manufacture of narrow woollen cloths in the West Riding of the County of *York*,' is mentioned, before the same shall be sold or cut by the retailer, or exported to parts beyond the seas by the merchant or dealer, every such person or persons so offending shall, for every such offence, forfeit the sum of forty shillings.

Not exceeding forty, nor less than twenty shillings, for forging, removing or defacing marks on cloth made in Yorkshire; and for overstraining cloth.

109. And be it further Enacted, That if any person or persons whatsoever shall willingly take off, alter or counterfeit, deface, obliterate or cut out, any seal or seals of lead, as in an Act passed in the sixth year of King *George* the Third, intituled, 'An Act to amend an Act made in the last session of parliament, intituled, An Act for repealing several laws relating to the manufacture of woollen cloth in the county of *York*, and also so much of several other laws as prescribes particular standards of width and length of such woollen cloths, and for substituting other regulations of the cloth trade, within the West Riding of the said county; for preventing frauds in certifying the contents of the cloth, and for preserving the credit of the said manufacture at the foreign market,' is mentioned; or as in an Act passed in the fifth year of King *George* the Third, intituled, 'An Act for repealing several laws relating to the manufacture of woollen cloth in the county of *York*, and also so much of several other laws as prescribes particular standards of width and length of such woollen cloths, and for substituting other regulations of the cloth trade within the West Riding of the said county; for preventing frauds in certifying the contents of the cloth, and for preserving the credit of the said manufacture at the foreign market,' is mentioned or directed to be fixed and rivetted to every or any cloth, or half cloth, or the figures, letters and words thereon, stamped, made or set, or therein woven or sewed, before the cloth be put in papers for the press, or into the frizing mill to be frized; or if any inspector or supervisor shall find any woollen cloth, after the times in the Act first mentioned directed for sealing the same, without the seal or seals in either of the said Acts directed to be put thereon; or find such seal or seals defaced, counterfeited or altered, except such seal or seals has or have been accidentally lost, or maliciously taken off; or shall find any such cloth or end of cloth, which shall appear by the mark, stamp or seal affixed, by the searcher, measurer, inspector or supervisor, who last measured the same, to be overstretched or strained, either in breadth or length, beyond the dimensions allowed of and provided by the said Act first mentioned; or that the loom-mark, specifying or denoting the name and place of abode of the maker of such cloths, shall be cut out or altered; in such case every person or persons so offending, or the merchant, dresser, clothier or owner, in whose custody any such cloth without seals, except as aforesaid; or with the seals, or name and place of abode of such maker, defaced, cut out or obliterated, or so overstretched or strained, shall be found, being thereof legally convicted, for every such offence shall forfeit not exceeding the sum of forty shillings, nor less than twenty shillings.

Section the Fiftieth.

Taxes.

110. And be it further Enacted, That if any clerk to such commissioners, as in an Act passed in the forty-third year of King *George* the Third, intituled, 'An Act for consolidating certain of the provisions contained in any Act or Acts relating to the duties under the management of the commissioners for the affairs of taxes, and for amending the same,' or any other person or persons, shall alter, or cause or procure or suffer to be altered, any assessment after the same shall have been allowed by such commissioners, except as therein mentioned; or in cases of appeal, and by order of the said commissioners, or any two or more of them, made after appeal, as therein mentioned; every such clerk or other person shall forfeit and pay the sum of fifty pounds.

Fifty pounds penalty for altering certain assessments.

Section the Fifty-first.

Land-Tax.

111. And be it further Enacted, That if any person shall forge, counterfeit or alter, or cause or procure to be forged, counterfeited or altered, or knowingly or wilfully act or assist in the forging, counterfeiting or altering, any contract, assignment, certificate, receipt or attested copy of any certificate, made out or purporting to be made out by any person or persons authorized to make out the same by any act of parliament, touching the redemption or sale of the land-tax, or of any part thereof; or if any person shall wilfully utter any such forged, counterfeited or altered contract, assignment, certificate, receipt or attested copy of certificate, knowing the same to be forged, counterfeited or altered, with intent to defraud His Majesty, his heirs or successors, or any body or bodies politic or corporate, or other person or persons; every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Death sans clergy for forging certain instruments relative to the redemption or sale of the land-tax; and for uttering any such.

Section the Fifty-second.

Legacy.

112. And be it further Enacted, That if any person shall alter any word, letter, figure or number, in any assessment or receipt to be made or given in pursuance of an Act passed in the thirty-sixth year of King *George* the Third, intituled, 'An Act for repealing certain duties on legacies, and shares of personal estates, and for granting other duties thereon, in certain cases,' for any of the said duties, after the same shall have been signed by the officer appointed to sign the same, according to the directions of the said Act; or shall utter or publish as true any such altered assessment or receipt, with intent to defraud His Majesty, his heirs or successors, or any other person or persons; then and in such case, every person so altering, uttering or publishing as aforesaid, shall forfeit and pay the sum of five hundred pounds.

Five hundred pounds penalty for altering certain assessments or receipts; and for uttering any such.

Section the Fifty-third.

Letters.

113. And be it further Enacted, That if any person whatsoever shall forge or counterfeit the handwriting of any person whatsoever, in the superscription of any letter or packet to be sent by the post, in order

It shall be a transportable felony to forge a frank, or the date thereof; or to use any such.

to avoid the payment of the duty of postage; or shall forge, counterfeit or alter, or shall procure to be forged, counterfeited or altered, the date upon the superscription of any such letter or packet; or shall write and send by the post, or cause to be written and sent by the post, any letter or packet, the superscription or cover whereof shall be forged or counterfeited, or the date upon such superscription or cover altered, in order to avoid the payment of the duty of postage, knowing the same to be forged, counterfeited or altered; every person so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall be transported for seven years.

It shall be a misdemeanor to forge certain marks authorized by 54 Geo. 3. c. 169.

114. And be it further Enacted, That if any person shall forge or counterfeit, or cause to be forged or counterfeited, any stamp, mark of postage or designation, upon any letter, authorized by an Act passed in the fifty-fourth year of King *George* the Third, intituled, 'An Act for making certain regulations respecting the postage of ship letters, and of letters in *Great Britain*,' to be stamped, marked or designated, with intent to avoid the payment of the rate of postage thereby imposed; each and every person and persons, so offending, shall be deemed and taken to be guilty of a misdemeanor, to be punished by fine and imprisonment; and such offence, if committed within *Great Britain*, shall and may be inquired of, tried and adjudged, either within the city of *London*, or where the offence shall be committed.

It shall be a misdemeanor to forge certain marks authorized by 55 Geo. 3. c. 103.

115. And be it further Enacted, That if any person shall forge or counterfeit, or cause to be forged or counterfeited, any stamp, mark of postage, or designation upon any letter or packet, authorized by an Act passed in the fifty-fifth year of King *George* the Third, intituled, 'An Act to regulate the postage of ship letters to and from *Ireland*,' to be stamped, marked or designated, with intent to avoid or prevent the payment of the rate of postage thereby imposed; each and every person and persons so offending shall be deemed and taken to be guilty of a misdemeanor, to be punished by fine and imprisonment.

Section the Fifty-fourth.

Post-Office.

Death sans clergy for forging the signature of the receiver-general of the post-office, his clerk or deputy, to any writing, and for forging their draft, and for uttering any such.

116. And be it further Enacted, That if any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the name or handwriting of the receiver-general of the post-office for the time being, or his clerk, or any person or persons duly authorized by the receiver-general of the post-office to draw any such drafts, instruments or writings, as in an Act passed in the forty-sixth year of King *George* the Third, intituled, 'An Act for the better regulation of the office of receiver-general of the post-office in *England*,' or in an Act passed in the forty-seventh year of King *George* the Third, intituled, 'An Act to amend an Act of the forty-sixth year of his Majesty, for the better regulation of the office of receiver-general of the post-office in *England*,' is mentioned, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the Bank of England, on account of the receiver-general of the post-office; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft, instrument or writing in form of a draft, made by such receiver-general or his deputy, or any such person; or shall utter or publish any such, knowing the same

same to be forged or counterfeited, with an intention to defraud any person whomsoever, or any corporation; every such person or persons so offending, being thereof lawfully convicted, shall be, and is and are hereby declared and adjudged to be, guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

Death sans clergy for forging tickets, certificates or orders; and for uttering any such.

117. And be it further Enacted, That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited or willingly act or assist in the forging or counterfeiting, any ticket or tickets, certificate or certificates, order or orders, made forth by virtue of any Act made for establishing any lottery or lotteries, or alter any number, figure, word or letter therein; or knowingly utter, vend, barter or dispose of any such false, altered, forged or counterfeited ticket or tickets, certificate or certificates, order or orders; or shall bring any such forged or counterfeited ticket, certificate or order, or any such ticket, certificate or order, the number whereof, or any figure, word or letter therein, shall have been altered, knowing the same to be forged, counterfeited or altered, to the managers and directors under the Act, or any of them, or to the cashier or cashiers, or accountant of the Bank of England for the time being, or to any other person or persons whatsoever, with a fraudulent intention; or shall willingly aid, abet, assist, hire or command any person or persons to commit any such offence or offences as aforesaid; then, and in every such case, all and every such person or persons, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy; and the said managers and directors, or any two or more of them, are hereby authorized, required and empowered, to cause any person or persons, bringing or uttering such forged or counterfeited ticket or tickets, certificate or certificates, order or orders as aforesaid, or aiding, abetting, assisting, hiring, or commanding any person or persons therein, to be apprehended, and to commit him, her or them to His Majesty's gaol of Newgate, or to the common gaol of the county or place where such person or persons shall be so apprehended, to be proceeded against for the said felony according to law.

Felony for forging shares or chances of tickets, or agreements for the same; and for uttering any such.

118. And be it further Enacted, That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any share or shares, chance or chances, or any agreement or agreements for any share or shares, chance or chances respectively, of any ticket or tickets, in any lottery to be drawn in pursuance of any Act; or alter any number, figure, word, letter or stamp therein or thereon; or shall knowingly utter, vend, barter or dispose of any such forged, counterfeited or altered share or shares, chance or chances, or agreement or agreements for any share or shares, chance or chances, of any ticket or tickets, with intent to defraud any person or persons; then, and in every such case, all and every person and persons so offending, and being thereof duly convicted, shall be adjudged guilty of felony, and suffer as a felon.

Five hundred pounds penalty for forging lottery licenses; and for making use of any such.

119. And be it further Enacted, That if any person or persons whatsoever shall forge or counterfeit, or cause to be forged or counterfeited, or assist in forging or counterfeiting, any license authorized to be made by any Act made for establishing any lottery or lotteries; or shall fraudulently alter, or cause to be altered, or assist in altering, any such license as shall be really granted under that Act; or shall knowingly make use of any such forged, counterfeited or altered license; such person or persons shall for every such offence forfeit the sum of five hundred pounds.

Section the Fifty-fifth.

National Debt.

Death sans clergy for forging certain certificates or orders; and for demanding the contents of any such; and for uttering any such.

120. And be it further Enacted, That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall wilfully act or assist in the forging or counterfeiting, any certificate or certificates, order or orders, made forth by virtue of an Act passed in the thirty-second year of King *George* the Third, intituled, 'An Act to render more effectual an Act made in the twenty-sixth year of his present Majesty's reign, intituled, An Act for vesting certain sums in commissioners at the end of every quarter of a year, to be by them applied to the reduction of the national debt, and to direct the application of an additional sum to the reduction of the said debt, in case of future loans;' or alter any number, figure or word therein; or present for payment, utter, vend, barter, or dispose of any such forged, counterfeit or altered certificate or certificates, order or orders, knowing the same to be forged, counterfeit or altered; then, and in every such case, all and every such person and persons, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Section the Fifty-sixth.

Ordnance.

Death sans clergy for forging the signature of the treasurer of the ordnance; or his draft; and for uttering any such.

121. And be it further Enacted, That if any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the name or hand of the treasurer of the ordnance for the time being, or his deputy, or the person or persons duly authorized in that behalf, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the Bank of England, on account of the treasurer of the ordnance; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft, instrument or writing in form of a draft, made by such treasurer of the ordnance, or his deputy, or the person or persons authorized as aforesaid; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever; every such person or persons so offending, being thereof lawfully convicted, shall be, and is and are hereby declared and adjudged to be, guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy.

Section the Fifty-seventh.

Stamps.

Death sans clergy for privately or secretly using, with intent to defraud the king, the legitimate stamp or plate-duty die.

122. And be it further Enacted, That if any person shall privately or secretly use any mark, stamp, die or plate, lawfully provided, made or used (1), relating to any stamp duty or duties, with intent to defraud His

(1) These words, 'provided, made or used,' are not reduplications; since, had the word 'used' only been inserted, you might with impunity have transposed an impression secretly made with the legitimate die.

His Majesty, his heirs or successors, of any of the said duties, or any part thereof; or shall privately and secretly use any mark, stamp or die, lawfully provided, made or used, for the purpose of marking or stamping gold or silver plate, made or wrought in Great Britain, with intent to defraud His Majesty, his heirs or successors (2); every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, shall be, and shall suffer death as a felon, without benefit of clergy.

123. And be it further Enacted, That if any person shall fraudulently cut, tear or get off, or cause or procure to be cut, torn or got off, the impression of any stamp or die, which shall have been provided, made or used for expressing or denoting any duty or duties under the care and management of the commissioners of stamps, or any part of such duty or duties, from any vellum, parchment or paper whatsoever (3), with intent to use the same for or upon (4) any other vellum, parchment or paper, or any instrument or writing, charged or chargeable with any of the said duties; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of gold or silver plate to (5) another, or to any vessel or ware of base metal (6), any impression made with any mark, stamp or die, which shall have been provided, made or used for the purpose of marking or stamping any gold or silver plate made or wrought in Great Britain, with intent to defraud His Majesty, his heirs or successors; or shall sell, exchange or expose to sale, or export out of Great Britain, any gold or silver plate made or wrought in Great Britain, or any vessel or ware of base metal, having thereupon any impression

Death sans clergy for fraudulently withdrawing the legitimate stamp-duty impression from any vellum, parchment or paper whatsoever, with intent to use the same for or upon any other vellum, parchment or paper, or any instrument or writing liable to duty; and for transposing, with intent to defraud the king, from gold or silver plate, or to base metal ware, the legitimate plate-duty impression; and for knowingly selling, exchanging, exposing to sale, or exporting with intent to defraud the king.

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(2) Since abusing the legitimate die is denounced only when done with intent to defraud the king, and since he can be defrauded only where duties are imposed upon the article impressed, it follows that base metal ware may, with impunity, be impressed with the legitimate die; which, clearly, is an oversight, as well from the sense of the thing, as from the circumstance, that a transposing of the legitimate impression from plate to base metal ware is denounced, as likewise is the impressing of base metal ware with a counterfeit die.

(3) Not adding 'card,' or using the generic term 'material' or 'substance.' Hence, though a fraudulent withdrawing of the legitimate impression from the outside wrapper of playing cards is a *capital* felony, yet not from the ace of spades.

(4) The expression in the 12 G. 3. c. 48. was 'for any,' &c. not 'for *or upon*;' which expression was not, it seems, considered sufficiently comprehensive. Its object, beyond doubt, was to punish any withdrawing of the legitimate impression done for the purpose of evading the duties. Yet where a prisoner objected, that the expression 'with intent to *use* the same *for* any other writing' meant, not for the mere purpose of annexing it to any other writing liable to duty, but for the purpose of making use of, and giving effect to that writing; the objection is supposed to have been allowed. Rex *v.* Field, pp. 79, 80. pl. 1199, 1200. of the Code. Afterwards the 55 G. 3. c. 184. added the words 'or upon.' It may, however, still be questioned, whether this addition gives to the enactment the desired comprehensiveness. It may be said, that to place a stamp upon vellum, and to make use of a stamp upon vellum, are not synonymous; in that the one implies transposition, the other implies a making efficient and available.

(5) Hence this offence is not complete without an actual transposition takes place. The provision relating to paper stamps, denounces, with the view of facilitating conviction, a fraudulent withdrawing of the legitimate impression. Vide supra, in the text.

(6) Hence a transposition from base metal ware is not denounced, and since by no enactment is it made penal to impress base metal ware with the legitimate die, it follows that base metal ware may, with impunity of the statute law, be first impressed with the legitimate die, and then the impression be removed to plate; the agents of the two processes not being partners in guilt.

gold or silver plate, or base metal ware, to which the legitimate plate-duty impression has been transposed from gold or silver plate.—Felony, with not exceeding seven years transportation, for fraudulently withdrawing the legitimate stamp-duty impression from playing cards, with intent to use the same for any other substance liable to duty.

impression of any such mark, stamp or die as last aforesaid, which shall have been transposed or removed from any other piece of plate as aforesaid, knowing the same to be transposed or removed as aforesaid, with intent to defraud His Majesty, his heirs or successors; every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, shall be, and shall suffer death as a felon, without benefit of clergy: And if any person shall fraudulently cut, tear or get off any mark or stamp, in respect whereof or whereby any duties are or shall be payable, or denoted to be paid or payable, upon playing cards, from any playing cards, or any part thereof, with intent to use such stamp or mark for any other writing, matter or thing, in respect whereof any such duty is or shall be payable, or denoted to be paid or payable as aforesaid; every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person to commit any such offence as last aforesaid, shall be guilty of felony, and transported for a term not exceeding seven years.

Death sans clergy for fabricating, with intent to defraud the king, a die in imitation of the legitimate stamp-duty die; and for wilfully and without excuse (the proof of which is thrown upon the accused) having in possession a die in imitation of the legitimate plate-duty die.

124. And be it further Enacted, That if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any mark, stamp, die or plate, or any part of any stamp or die, lawfully provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, for expressing or denoting any duty or duties, or any part thereof, which shall be under the care and management of the said commissioners, or for denoting or testifying the payment of any such duty or duties, or any part thereof, or for denoting any device appointed by the said commissioners for the ace of spades, to be used with any playing cards, with intent to defraud His Majesty, his heirs or successors, of any of the duties, or any part of the duties, under the care and management of the said commissioners; or if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any plate, stamp or die, or any part of any plate, stamp or die, lawfully provided, made or used for expressing and denoting any of the duties granted on almanacks, newspapers, and licenses to keep stage-coaches, with intent to defraud His Majesty, his heirs or successors, of any of the said duties, or any part thereof; every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, shall be, and shall suffer death as a felon, without benefit of clergy: And if any person shall wilfully and without lawful cause, the proof whereof shall lie on the party accused, have or be possessed of any forged or counterfeited mark, stamp or die, in imitation of the mark, stamp or die lawfully provided, made or used for expressing or denoting the payment of any duties on gold or silver plate, made or wrought in Great Britain, with intent to defraud His Majesty, his heirs and successors; every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, shall be, and shall suffer death as a felon, without benefit of clergy.

Death sans clergy for impressing, with intent to defraud the king, any vellum, parchment, paper, card, ivory or other material, with a die in imitation of, or (with respect to vellum, parchment or paper) of any part of the legitimate

125. And be it further Enacted, That if any person shall stamp or mark, or cause or procure to be stamped or marked, any vellum, parchment, paper, card, ivory or other material, with a forged or counterfeited mark, stamp, die or plate, after the mark, stamp, die or plate lawfully provided, made or used under any Act relating to any stamp duty or duties, with intent to defraud His Majesty, his heirs or successors, of any of the duties, or any part of the duties, under the care and management of the commissioners appointed to manage the duties on stamped vellum, parchment and paper; or shall stamp or mark, or cause

or

or procure to be stamped or marked, any vellum, parchment or paper (7), with a forged or counterfeited mark, stamp, die or plate, after any part of the mark, stamp, die or plate last aforesaid, with intent to defraud as last aforesaid (8); or shall forge or counterfeit, or cause or procure to be forged or counterfeited, the impression, or any resemblance of the impression, of the mark, stamp, die or plate last aforesaid, upon any vellum, parchment, paper, card, ivory or other material, with intent to defraud as last aforesaid; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, the impression, or any resemblance of the impression, of any part of the mark, stamp, die or plate last aforesaid, upon any vellum, parchment or paper, with intent to defraud as last aforesaid (9); or shall stamp or mark, or cause or procure to be stamped or marked, any paper whatsoever, with a forged or counterfeited plate, stamp or die, after any plate, stamp or die lawfully provided for expressing and denoting any of the duties on almanacks, newspapers, and licenses to keep stage-coaches, with intent to defraud His Majesty, his heirs or successors, of any of the duties last aforesaid, or any part thereof; or shall forge, counterfeit or resemble, or cause or procure to be forged, counterfeited or resembled, the impression, or any part of the impression, of the plate, stamp or die last aforesaid, with intent to defraud as last aforesaid; or shall mark or stamp, or cause or procure to be marked or stamped, any gold or silver plate made or wrought in Great Britain, with any forged or counterfeited mark, stamp or die, after the mark, stamp or die lawfully provided, made or used under any Act relating to any duties on gold or silver plate made or wrought in Great Britain, with intent to defraud His Majesty, his heirs or successors; or shall forge, counterfeit or resemble, or cause or procure to be forged, counterfeited or resembled, the impression of the mark, stamp or die last aforesaid, upon the gold or silver plate last aforesaid, with intent to defraud as last aforesaid; or shall mark or stamp, or cause or procure to be marked or stamped, any vessel or ware of base metal, with the forged or counterfeited mark, stamp or die last aforesaid, with intent to defraud as last aforesaid (10); every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, shall be and shall suffer death as a felon, without benefit of clergy: And if any person shall knowingly utter, sell or expose to sale, any vellum, parchment, paper, card, ivory or other material, having thereupon the impression of a forged or counterfeited mark, stamp, die or plate, after the mark, stamp, die or plate lawfully provided, made or used under any Act relating to any stamp-duty or duties, with intent to defraud His Majesty, his heirs or successors, of any of the duties, or any part of the duties, under

stamp-duty die; and for counterfeiting upon any vellum, parchment, paper, card, ivory or other material, with intent to defraud the king, the impression, or (with respect to vellum, parchment or paper) any part of the impression, of the legitimate stamp-duty die; and for impressing, with intent to defraud the king, any paper with a die in imitation of or of any part of the legitimate stamp-duty die for almanacks, newspapers and stage-coach licenses; and for counterfeiting upon any paper, with intent to defraud the king, the impression of or of any part of the legitimate stamp-duty die for almanacks, newspapers and stage-coach licenses; and for impressing, with intent to defraud the king, gold or silver plate, with a die in imitation of the legitimate plate-duty die; and for counterfeiting, with intent to defraud the king, upon gold or silver plate, the impression of the legitimate plate-duty die; and for impressing, with intent to defraud the king, base metal ware, with a die in imitation of the legitimate plate-duty die; and for knowingly uttering, selling or exposing to sale, with intent to defraud the king, any vellum, parchment, paper, card, ivory or other material, impressed with

(7) Not adding 'card, ivory or other material.' Vide infra, the last note, for an enumeration of deficiencies of this nature.

(8) This provision is aimed at forgery, not by means of engraving or cutting instruments, or chemical process, but by means of indenting with a stamp.

(9) This provision is aimed at forgery by means of cutting or engraving tools, or chemical process, and not by means of a die.

(10) This provision then is aimed at forgery, not by means of cutting or engraving instruments, or chemical process, but by means of a die only, and as there is no provision which denounces forging the legitimate impression upon base metal ware by other means than that of a die, there is a deficiency in this particular in the law of forgery. Nor will the generality of the previous provision (vide supra, in the text), which includes both species of forging, the legitimate impression, and upon *any substance*, supply the defect, since an intent to defraud the king of duties imposed is an essential quality in the offence there denounced, now upon base metal ware no duties are payable.

a die in imitation of, or (with respect to vellum, parchment or paper) of any part of the legitimate stamp-duty die; and for knowingly uttering, selling or exposing to sale, with intent to defraud the king, any vellum, parchment, paper, card, ivory or other material, with a counterfeit impression of, or (with respect to vellum, parchment or paper) of any part of the legitimate stamp-duty die; and for knowingly uttering, selling or exposing to sale, with intent to defraud the king, any paper impressed with a die in imitation of the legitimate stamp-duty die for almanacks, newspapers and stage-coach licenses; and for knowingly uttering, selling or exposing to sale, with intent to defraud the king, any paper having thereon a counterfeit impression of the legitimate stamp-duty-die for almanacks, newspapers and stage-coach licenses; and for knowingly selling, exchanging, exposing to sale or exporting, with intent to defraud the king, gold or silver plate impressed with a die in imitation of the legitimate plate-duty die; and for knowingly selling, exchanging, exposing to sale or exporting, with intent to defraud the king, gold or silver plate, having thereon a counterfeit impression of the legitimate plate-duty die; and for knowingly selling, exchanging, exposing to sale or exporting, with intent to defraud the king, base metal ware impressed with a die in imitation of the legitimate plate-duty die; and for knowingly selling, exchanging, exposing to sale or exporting, with intent to defraud the king, base metal ware, having thereon a counterfeit impression of the legitimate plate-duty die.

under the care and management of the commissioners appointed to manage the duties on stamped vellum, parchment and paper; or shall knowingly utter, sell or expose to sale, any vellum, parchment or paper, with a forged or counterfeited mark, stamp, die or plate, after any part of the mark, stamp, die or plate as last aforesaid, with intent to defraud as last aforesad; or shall knowingly utter, sell or expose to sale, any vellum, parchment, paper, card, ivory or other material, having thereupon any forged, counterfeited or resembled impression of the mark, stamp, die or plate last aforesaid, with intent to defraud as last aforesaid; or shall knowingly utter, sell or expose to sale, any vellum, parchment or paper, having thereupon any forged, counterfeited or resembled impression of any part of the mark, stamp, die or plate last aforesaid, with intent to defraud as last aforesaid; or shall knowingly utter, sell or expose to sale, any paper having thereupon the impression of any forged or counterfeited plate, stamp or die, after the plate, stamp or die, or any part of the plate, stamp or die, lawfully provided, made or used for expressing and denoting any of the duties on almanacks, newspapers, and licenses to keep stage-coaches, with intent to defraud His Majesty, his heirs or successors, of any of the duties last aforesaid; or shall knowingly utter, sell or expose to sale, any paper having thereupon any forged, counterfeited or resembled impression of the plate, stamp or die last aforesaid, with intent to defraud as last aforesaid; or shall knowingly sell, exchange or expose to sale, or export out of Great Britain, any gold or silver plate made or wrought in Great Britain, or any vessel or ware of base metal, having thereupon the impression of any forged or counterfeited mark, stamp or die, after the mark, stamp or die lawfully provided, made or used, under any Act relating to any duties on gold or silver plate made or wrought in Great Britain, with intent to defraud His Majesty, his heirs or successors; or shall knowingly sell, exchange or expose to sale, or export out of Great Britain, any gold or silver plate made or wrought in Great Britain, or any vessel or ware of base metal, having thereupon any forged, counterfeited or resembled impression of the mark, stamp or die last aforesaid, with intent to defraud as last aforesaid ([11]); every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, shall be, and shall suffer death as a felon, without benefit of clergy ([12]).

126. And

([11]) Since under this provision the uttering must be with intent to defraud the king of the duties, it follows that base metal ware, an article not liable to duty, may with impunity be uttered with a counterfeit impression, unless that uttering consist in either selling, exchanging, exposing to sale, or exporting out of Great Britain, when the 8th section of the 52 G. 3. c. 143. and the 7th section of the 55 G. 3. c. 185. apply; but the 7th section of the 55 G. 3. c. 185. does not, since that, though an oversight, relates to the uttering of base metal ware with a counterfeit impression produced by a stamp, and not by any other process.

([12]) The modifications of offence which it seems proper to denounce are the following:—1. Using the legitimate die; 2. or any part thereof; 3. Uttering the legitimate die; 4. or any part thereof; 5. Having in possession the legitimate die; 6. or any part thereof; 7. Transposing* the legitimate impression; 8. or any part thereof; 9. Uttering a substance to which the legitimate impression has

* Taking that word to include a withdrawing.

126. And be it further Enacted, That if any maker of cards shall use, in the making up any pack of cards, any ace of spades, jew or wrapper that has been used before, then every such card-maker shall for every such offence forfeit the sum of twenty pounds.

Penalty for using an ace of spades, &c. already used.

127. And be it further Enacted, That if any person shall sell or buy any such ace of spades, jew or wrapper, in order to be made use of, in, about, or for the inclosing any pack or parcel of cards, every person so offending shall, for every such offence, forfeit the sum of twenty pounds.

Penalty for selling or buying an ace of spades, &c. already used.

128. Provided always, and be it further Enacted, That if either the buyer or seller of any such ace of spades, jew or wrapper, shall inform against the other party concerned in buying or selling such ace of spades, jew or wrapper, the party so informing shall be admitted to give evidence against the party informed against, and shall be indemnified against the penalties so by him or her incurred.

But one offender informing against the other, shall be exempted from penalties.

129. And be it further Enacted, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or wilfully aid or assist in the false making, forging or counterfeiting any ticket, note or certificate, by an Act passed in the twenty-fifth year of King *George* the Third, intituled, 'An Act for repealing the duties on licenses taken out by persons letting horses for the purpose of travelling post, and on horses let to hire for travelling post, and by time, and on stage-coaches, and for granting other duties in lieu thereof; and also additional duties on horses let to hire for travelling post and by time,' authorized or directed to be used, with an intent to defraud His Majesty, his heirs and successors, of any of the said duties; or shall utter or publish as true any false, forged or counterfeited ticket, note or certificate, with an intent to defraud His Majesty, his heirs and successors, of any of the said duties; every person or persons so offending, and being thereof lawfully convicted, shall forfeit and pay the sum of fifty pounds.

Penalty for forging post-horse tickets; and for uttering any such.

130. And be it further Enacted, That if any person or persons shall fraudulently cut, tear or take off any mark or stamp, in respect whereof or whereby any duties are by an Act passed in the forty-second year of King *George* the Third, intituled, 'An Act to repeal an Act passed in the twenty-fifth

Penalty for removing or transposing medicine stamps; and for uttering any such.

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has been transposed; 10. or any part thereof; 11. Uttering a substance impressed without authority with the legitimate die; 12. or any part thereof; 13. Having in possession a substance impressed without authority with the legitimate die; 14. or any part thereof; 15. Counterfeiting the legitimate die; 16. or any part thereof; 17. Uttering a counterfeit of the legitimate die; 18. or any part thereof; 19. Having in possession a counterfeit of the legitimate die; 20. or any part thereof; 21. Counterfeiting the legitimate impression; 22. or any part thereof; 23. Uttering a counterfeit of the legitimate impression; 24. or any part thereof; 25. Having in possession a counterfeit of the legitimate impression; 26. or any part thereof; 27. Transposing a counterfeit of the legitimate impression; 28. or any part thereof.

The modifications of offence which *have been* denounced are the following only:—1. Using the legitimate die; 2. Transposing, in certain cases, the legitimate impression; 3. Uttering certain subjects to which the legitimate impression has been transposed; 4. Forging the legitimate die; 5. Having a forged *plate-duty* die in one's possession*; 6. Counterfeiting, in certain cases, the legitimate impression; 7. or, with the same limitation, any part thereof; 8. Uttering, in certain cases, a counterfeit of the legitimate impression; 9. or, with the same limitation, any part thereof.

* At the beginning of 1823, a person was taken up in the North for having a forged die for stamping *paper, parchment and vellum*, in his possession, and the intention was to indict him capitally. However, upon examining the stamp acts, it was discovered, that, from oversight, the offence was not met by any of their provisions.

twenty-fifth year of the reign of his present Majesty, for granting stamp duties on certain medicines, and for charging other duties in lieu thereof, and for making effectual provision for the better collection of the said duties,' payable, or denoted to be paid or payable to His Majesty, on any packet, box, bottle, pot or phial, or other inclosure containing any drug, herb, medicine, medicament, or other preparation or composition in that Act mentioned, subject to the duties thereby imposed, after the same shall have been sold or disposed of as in that Act mentioned; or shall fraudulently paste, stick, fasten or affix to any such packet, box, bottle, pot or phial, any cover, wrapper or lable so marked and stamped as in that Act mentioned, the same having once been made use of for the purpose in that Act mentioned; or shall utter, vend, or expose to sale any packet, box, bottle, pot, phial, or other inclosure containing any drug, herb, medicine, medicament, or other preparation or composition aforesaid, with such cover, wrapper or label so fraudulently cut, torn or taken off as aforesaid, and pasted, stuck, fastened or affixed thereto; all and every person and persons, so offending in any of the particulars before mentioned, shall for every such offence forfeit and pay the sum of twenty pounds.

Penalty for selling or buying medicine wrappers already used; and for selling any packet inclosed in the same.

131. And be it further Enacted, That if any person or persons shall sell or buy any such cover, wrapper or label, which hath before been made use of for the inclosing any packet, box, bottle, pot or phial, or other inclosure of any drug, herb, medicine, medicament, or other preparation or composition liable to the duty by the Act last aforesaid imposed, in order to be again made use of for the like purpose; or shall sell any packet, box, bottle, pot, phial, or other inclosure, with such cover, wrapper or label which hath before been made use of as aforesaid, pasted, stuck, fastened or affixed thereto; every such person so offending shall for every such offence forfeit and pay the sum of twenty pounds.

Penalty for selling, or being in possession of thread lace with a counterfeit mark or handwriting thereto; and for using a mark or handwriting a second time.

132. And be it further Enacted, That if any person or persons shall sell or expose to sale, or have in his, her or their custody or possession, any such thread lace as is mentioned in an Act passed in the forty-sixth year of King *George* the Third, intituled, 'An Act for better encouraging the manufacture of thread lace in Great Britain,' with a counterfeit mark, seal or handwriting, knowing the same to be counterfeited, or shall use or affix any such mark, seal or handwriting to any other piece or remnant of lace other than that to which the same was originally affixed, all and every such offender and offenders, and his, her and their aiders, abettors and assistants, shall for every such offence forfeit the sum of one hundred pounds.

Excise.

Penalty for forging or erasing excise permits; and for uttering any such.

133. And be it further Enacted, That if any person or persons whatsoever shall counterfeit or forge, or cause to be counterfeited or forged, any permit for the removal of any exciseable commodity from one part of Great Britain to any other part thereof, for the removal of which a permit or certificate is, by any Act or Acts of parliament in force at the commencement of the session of parliament held in the twenty-third year of the reign of King *George* the Third, required; or if any person or persons shall fraudulently alter or erase any permit after the same shall have been given or granted by the proper officer of excise; or if any person or persons shall knowingly or willingly publish, or make use of, any such permit so counterfeited, forged, altered or erased; every person so offending shall for each and every such offence forfeit and lose the sum of five hundred pounds.

134. And

134. And be it further Enacted, That if any person shall, with intent to defraud His Majesty, falsely make, forge, counterfeit or alter, or cause or procure to be falsely made, forged, counterfeited or altered, or willingly assist in falsely making, forging, counterfeiting or altering any debenture, or any certificate for the payment or return of any money, or any part of any such debenture or certificate, or any signature thereon, in any case in which such debenture or certificate is, by any Act or Acts of parliament relating to the duties of excise, required, or directed to be given or granted; or shall wilfully, with such intent as aforesaid, utter, publish, or make use of any such debenture or certificate, or part, so being wholly or in part falsely made, forged, counterfeited or altered; every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Death sans clergy for forging excise debentures or certificates for payment or return of money; and for uttering any such.

135. And be it further Enacted, That if any person or persons shall, with intent to defraud His Majesty, counterfeit or forge, or cause or procure to be counterfeited or forged, any debenture, in any other case than that for which provision has by this Act been already made (1), in which a debenture is, by any Act or Acts of parliament relating to the duties of excise, required, or directed to be given or granted; or shall in any other case as aforesaid, knowingly or willingly utter, publish or make use of any such counterfeited or forged debenture; every person so offending, and being thereof duly convicted, shall be adjudged guilty of felony.

Felony for forging excise debentures in any other case; and for uttering any such.

136. And be it further Enacted, That if any person or persons whatever shall counterfeit or forge, or cause or procure to be counterfeited or forged, any certificate, authorized or required to be granted by any officer or officers of excise under and by virtue of any Act or Acts of parliament in force immediately before the second day of July, in the year of our Lord one thousand eight hundred and one, and relating to any of the duties of excise, in any other case than that for which provision has by this Act been already made; or if any person or persons shall fraudulently alter or erase any such true certificate, after the same shall have been given or granted by the proper officer or officers of excise; or if in any other case as aforesaid, any person or persons shall knowingly or willingly publish or make use of any such certificate so counterfeited, forged, altered or erased; then and in every such case the person or persons so offending, and being thereof duly convicted, shall be adjudged guilty of felony, and shall for such his, her or their offence be transported as a felon or felons for the space of seven years.

Seven years transportation for forging or erasing excise certificates; and for uttering any such.

137. And be it further Enacted, That if any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the name or handwriting of the receiver-general of the excise for the time being, or of the comptroller of the cash of the excise, or the person or persons duly authorized, as in a certain Act passed in the forty-sixth year of King *George* the Third, intituled, 'An Act for the better regulation of the office of receiver-general of the duties of excise in *England*,' is mentioned, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the Bank of England, on account of the receiver-general of the excise; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any draft, instrument

Death sans clergy for forging the signature of the receiver-general, or comptroller of the excise, or other authorized person; and for forging their draft; and for uttering any such.

(1) Quære, if any other case exists?

instrument or writing in form of a draft, made by such receiver-general, or the person or persons authorized as aforesaid; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever; every such person or persons so offending, being thereof lawfully convicted, shall be, and is and are hereby declared and adjudged to be, guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

Death sans clergy for making or being possessed of excise paper frames; and for making excise paper; and for forging excise permit stamps.

138. And be it further Enacted, That if any person, not being lawfully appointed or authorized so to do, shall make, or cause or procure to be made, or shall knowingly aid or assist in the making, or without being so appointed or authorized as aforesaid, shall knowingly have in his, her or their custody or possession, without lawful cause, the proof whereof shall lie upon the person accused, any frame, mould or instrument for the making of paper, with the words 'Excise office' visible in the substance of such paper; or shall make, or cause or procure to be made, or knowingly aid or assist in the making, any paper, in the substance of which the words 'Excise office' shall be visible; or if any person, except as before excepted, shall, by any art, mystery or contrivance, cause or procure the said words, 'Excise office' to appear visible in the substance of any paper whatever; or if any person, not being so appointed or authorized as aforesaid, shall engrave, cast, cut or make, or shall cause or procure to be engraven, cast, cut or made, any mark, stamp or device, in imitation of or to resemble any mark, stamp or device made or used by the direction of the commissioners of excise in *England* or *Scotland*, or the major part of them respectively, for the purpose of printing, stamping or marking of any paper, to be used as or for a permit or permits to accompany any exciseable commodity or commodities, removing or removed from one part of Great Britain to any other part, in pursuance of the directions of any of the several statutes requiring such permit; every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Customs.

Penalty for forging or erasing custom-house warrants, or indorsement thereon.

139. And be it further Enacted, That if any person whatever shall counterfeit, rase or falsify, any sufferance, warrant, cocquet, transire, let-pass, certificate or permit, or any other custom-house warrant, document or instrument, or any indorsement thereon, or any of them, by a certain Act passed in the thirty-second year of King *George* the Third, intituled, 'An Act for the relief of the coast-trade of Great Britain; for exempting certain coast documents from stamp duties; for abolishing the bond usually called the *Isle of Man* bond; and for permitting corn and grain, brought coastwise, to be transhipped into lighters, for the purpose of being carried through the canal from the *Forth* to the *Clyde*,' required, every person so offending shall forfeit the sum of two hundred pounds; and the sufferance, warrant, cocquet, transire, let-pass, certificate, permit, document, or other instrument and indorsement so counterfeited, rased or falsified, shall respectively be null and void to all intents and purposes whatever.

Penalty for forging or erasing custom-house warrants in any other case.

140. And be it further Enacted, That if in any other case to which the preceding enactment is not applicable, any person whatsoever shall counterfeit, rase or falsify, any cocquet, certificate or return, transire, let-pass, or any other custom-house warrant, he shall forfeit one hundred pounds, and the cocquet, certificate or return shall be invalid and of none effect.

141. And

Penalty for forging, or erasing admiralty or customs licenses; and for uttering any such.

141. And be it further Enacted, That if any person or persons shall counterfeit, erase, alter or falsify, or cause to be counterfeited, erased, altered or falsified, any license which has been granted by the lord high admiral of Great Britain, or by the commissioners of the Admiralty for the time being, or by any person authorized by them to grant such license, as in an Act, passed in the second session of the parliament holden in the forty-seventh year of King *George* the Third, intituled, 'An Act to make more effectual provision for the prevention of smuggling,' is mentioned, or which shall in pursuance of that Act be granted by the commissioners of His Majesty's customs in *England*, *Scotland*, or *Ireland* respectively, or any three of them, for the time being; or shall knowingly or wilfully make use of any license so counterfeited, erased, altered or falsified, such person or persons shall for every such offence forfeit the sum of five hundred pounds.

Death sans clergy for forging customs debentures or certificates for payment of money; and for uttering any such.

142. And be it further Enacted, That if any person shall, with intent to defraud His Majesty, falsely make, forge, counterfeit or alter, or cause or procure to be falsely made, forged, counterfeited or altered, or willingly assist in falsely making, forging, counterfeiting or altering any debenture, or any certificate for the payment or return of any money, or any part of any such debenture or certificate, or any signature thereon, in any case in which such debenture or certificate is by any Act or Acts of parliament relating to the duties of customs required, or directed to be given or granted; or shall wilfully, with such intent as aforesaid, utter, publish or make use of any such debenture or certificate, or part thereof, so being wholly or in part falsely made, forged, counterfeited or altered; every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Penalty for altering or defacing marks on packages shipped.

143. And be it further Enacted, That if any of the marks or seals, which shall have been put upon any of the packages as directed by an Act, passed in the twenty-sixth year of King *George* the Third, intituled, 'An Act for regulating the production of manifests, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks, and in the clandestine relanding of goods,' shall be altered, defaced, or broken by the master, or other person having or taking the charge or command of the ship or vessel on board of which such offence or offences shall be committed, or by any of the crew, or shall be committed by any other person, with the privity or consent of the said master, or other person having or taking the charge or command of such ship or vessel; every such master, or other person having or taking the charge or command of such ship or vessel, and also the mate, or such person as shall be next in command to such master, or other person having the charge and command as aforesaid, shall for each and every offence so committed forfeit two hundred pounds.

Death sans clergy for forging certain customs stamps, or their impression.

144. And be it further Enacted, That if any person or persons whatever shall at any time forge or counterfeit, or shall cause or procure to be forged or counterfeited, or shall be aiding or assisting in forging or counterfeiting, any stamp or seal, to resemble any stamp or seal which shall be provided or used in pursuance of an Act, passed in the twenty-seventh year of King *George* the Third, intituled, 'An Act for making further provisions in regard to such vessels as are particularly described in an Act made in the twenty-fourth year of the reign of his present Majesty, for the more effectual prevention of smuggling in this kingdom, and for extending the said Act to other vessels and boats not particularly described therein; for taking off the duties on flasks in which wine or oil is imported; for laying an additional duty on foreign Geneva imported;

for taking off the duty on ebony, the growth of Africa, imported into this kingdom; and for amending several laws relative to the revenue of customs,' or shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, or shall be aiding or assisting in forging or counterfeiting, the impression of any such stamp or seal, all and every such offender and offenders shall be deemed guilty of felony, and, on being thereof lawfully convicted, shall be deemed and adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy: And if any person or persons whatever shall have in his, her or their custody or possession, any goods having a counterfeit stamp or seal thereon, knowing the same to be counterfeited, all such goods shall be forfeited, and all and every such person and persons shall respectively forfeit the sum of five hundred pounds: And if any person or persons whatever, other than such person or persons who shall be authorized by the commissioners of the customs in *England* and *Scotland* respectively for that purpose, shall, by any means whatever, have in his, her or their custody or possession, any stamp or seal provided by the said commissioners of the customs as aforesaid respectively, for the purposes aforesaid, whether such person or persons shall or shall not have made use of the same, shall forfeit five hundred pounds.

Penalty for being in possession of forged impressions or stamps.

145. And be it further Enacted, That if any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the name or handwriting of the receiver-general of the customs for the time being, or of the supervisor of the receiver-general's receipts and payments, or the person or persons duly authorized, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the governor and company of the Bank of England, on account of the receiver-general of the customs; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft, instrument or writing in form of a draft, made by such receiver-general, or the person or persons authorized as aforesaid; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever; every such person or persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

Death sans clergy for forging the signature of the receiver-general of the customs, or his supervisor; and for forging their draft; and for uttering any such.

Section the Fifty-eighth.

146. And be it further Enacted, That offences committed against the Sections shall be prosecuted in manner following;

Procedure against offences under Sections.

Section the Fifty-ninth.

147. And be it further Enacted, That offences committed against the Sections shall be prosecuted in manner following;

Procedure against offences under Sections.

Section the Sixtieth.

148. And be it further Enacted, That offences committed against the Sections shall be prosecuted in manner following;

Procedure against offences under Sections.

Section the Sixty-first.

149. And be it further Enacted, That penalties incurred under the provisions of the Sections shall be recovered and applied in manner following; Recovery and application of penalties under Sections.

Section the Sixty-second.

150. And be it further Enacted, That penalties incurred under the provisions of the Sections shall be recovered and applied in manner following; Recovery and application of penalties under Sections.

Section the Sixty-third.

151. And be it further Enacted, That penalties incurred under the provisions of the Sections shall be recovered and applied in manner following; Recovery and application of penalties under Sections.

Section the Sixty-fourth.

152. And be it further Enacted, That nothing in this Act contained shall extend to *Ireland*, unless where the contrary is declared. This Act shall not extend to Ireland.

— No. 4. —

THE PLAN

UPON WHICH

THE LAW OF FORGERY HAS BEEN CONSOLIDATED.

IN consolidating the Criminal Law, the first step is to ascertain what those Enactments are which relate to the subject under consideration. To this end, a Chronological Analysis of every Penal Enactment from Magna Charta to the present day has been compiled; by running over which, the necessary information is immediately obtained. See the Appendix.

The next step is to ascertain, whether any of these Enactments have been repealed by subsequent Enactments, or have expired. To this end, a Chronological Table has been prepared, marking the Enactments which have been repealed, and those likewise which have expired.

Having ascertained what those Enactments are which relate to the subject under consideration, and are still in force, the next step is to exhibit such a view of them as may enable us to perceive what Enactments admit of being and are fit to be united, what do not. This is accomplished, by giving such an

an Abstract, Epitome, or Analysis of each Enactment, as shall mark that circumstance in which, when two or more Enactments coincide, they admit of being and are fit to be united. See Section II. of the Consolidating Process.

Having ascertained what those Enactments are which admit of being and are fit to be united, the next step is to bring such Enactments into juxta position. The mode of doing this is shown in Section III. of the Consolidating Process.

Having brought into juxta position those Enactments which admit of being and are fit to be united, the next step is to ascertain what influence subsequent have had upon antecedent Enactments, in order that the exact extent to which each Enactment is now operative, may be known, and to that extent only may be preserved in the Consolidation. The mode of accomplishing this is, to detail, in order of time, the two first Enactments, marking by notes subjoined to the second, in what respect the second is precisely similar or equivalent to and thereby merges the first; and in what respect it is dissimilar to, and thereby without influence upon the first; and then stating, in a few words, the result. Then to detail the third Enactment, in order of time, marking by notes subjoined thereto, in what respect the third is precisely similar or equivalent to and thereby merges the second, and such provisions of the first as were not influenced by the second; and in what respect it is dissimilar to and thereby without influence upon the second, and such provisions of the first as were not influenced by the second; and then stating, in a few words, the result. Then, in like manner, to detail the fourth Enactment, in order of time, and so on, and so on, until the entire series is exhausted. See Section IV. of the Consolidating Process.

Having, by this process, ascertained the existing state of the Law, the last step is to detail that state in a consolidated form, and in the language of the Enactments themselves. See Section V. of the Consolidating Process.

From this consolidated detail, the Bills are to be framed; with, however, such amendments as may be deemed advisable.

This process is certainly a tedious one; but, 1° It ensures the highest possible accuracy; 2° It furnishes proper media for enabling others to ascertain, whether that accuracy has been secured.

Appendix.

Exemplifying the Chronological Analysis of the Criminal Statute Law.

Magna Car. c. 14.—How and by whom amerciaments shall be assessed.
———— c. 17.—Sheriffs, &c. shall not hold pleas of the crown.
———— c. 22.—How long felons' lands shall be holden by the king.
———— c. 26.—Inquisitions of life and member shall be granted gratuitously.
———— c. 29.—Freemen shall be tried by their peers.
———— c. 34.—When only a woman may have an appeal of death.
———— c. 35.—At what times the tourn and leet shall be holden.
Car. For. c. 6.—Punishment for not lawing one's dog within the king's forest.
———— c. 10.—Punishment for killing the king's deer.
20 Hen. 3. c. 1.—Punishment for deforcement of dower.
———— c. 3.—Inquiry and punishment of redisseisin.
———— c. 4.—Punishment for disseisin of common by the lord.
———— c. 6.—Punishment for ravishment of ward.
———— c. 6.—Punishment for disparagement of ward by marriage.

20 Hen. 3. c. 11.—Right of lords to imprison for trespasses in their parks and ponds.

51 Hen. 3. st. 4.—Punishment of sheriff receiving the king's debt, and not acquitting the debtor.

——— st. 5. s. 1, 2.—Punishment of defaulters at the exchequer.

——— st. 5. s. 8.—Punishment for making, without license, deputies in the exchequer, and of misbehaviour of deputies in the exchequer.

——— st. 5. s. 8.—Punishment for false allowance of charges for the king's works.

——— st. 6.—Punishment of bakers and brewers not observing the assize.

52 Hen. 3. c. 1.—Punishment for distraining or exacting amends otherwise than in due course of law.

——— c. 2.—Punishment for distraining, without jurisdiction, for suit of court.

——— c. 2.—Punishment for distraining out of one's fee or jurisdiction. Vide 52 Hen. 3. c. 15.

——— c. 3.—Punishment for not suffering a distress to be replevied.

——— c. 3.—Punishment for not allowing process to be executed.

——— c. 3.—Punishment for distraining a tenant for what is not due.

——— c. 4.—Punishment for driving a distress out of the county.

——— c. 4.—Punishment for taking an excessive distress.

——— c. 8.—Punishment for redisseisin.

——— c. 8.—Punishment of the sheriff for releasing a redisseisor from imprisonment.

——— c. 10.—Exemption of certain persons from attendance at the tourn.

——— c. 10.—How tourns shall be held.

——— c. 18.—Who only may amerce for default of common summons.

——— c. 23.—Punishment for waste by fermors.

——— c. 24.—Punishment of townships for not attending the circuits to form inquests.

——— c. 25.—Murder defined.

——— c. 27.—Liability of the bail of a clerk charged with an offence touching the crown.

3 Edw. 1. c. 1.—Punishment of trespasses in various cases.

——— c. 1.—Punishment of a prelate receiving lodgers.

——— c. 1.—Punishment for sending to another's house one's men, &c. to sojourn.

——— c. 2.—A clerk charged with felony, and delivered to the ordinary, shall not depart without purgation.

——— c. 3.—Punishment for levying for the escape of a felon, before it be adjudged an escape.

——— c. 4.—Punishment for offending against the statute relating to wreck of the sea.

——— c. 5.—Punishment for disturbing elections. Vide 9 Edw. 2. c. 14.

——— c. 6.—How amerciaments shall be assessed.

——— c. 9.—Punishment for neglecting hue and cry.

——— c. 9.—Punishment of officers favouring felons.

——— c. 10.—Extortion in coroners.

——— c. 11.—Who shall be jurors in inquests of murder before the sheriff.

——— c. 12.—Punishment of felons refusing lawful trial.

——— c. 13.—Punishment for rape.

——— c. 13.—Punishment for abduction of women.

——— c. 14.—Outlawry of accessories in appeals.

——— c. 15.—What offences are bailable, what not.

——— c. 15.—Punishment for bailing offenders not bailable; and refusing or taking reward, to bail offenders that are bailable.

3 Edw. 1. c. 16.—Punishment for driving a distress out of the county.
——— c. 16.—Punishment for distraining wrongfully, or out of one's fee.
——— c. 18.—By whom the fines and amerciaments of the whole county shall be assessed.
——— c. 19.—Punishment of sheriff, or other, receiving the king's debt and not discharging the debtor.
——— c. 19.—Punishment for refusing to shew process, for levying the king's debt, to the debtor.
——— c. 20.—Punishment for trespassing in parks and ponds.
——— c. 23.—Punishment for distraining a stranger for what he does not owe.
——— c. 24.—Punishment of an officer disseising colore officii.
——— c. 25.—Punishment of champerty in officers.
——— c. 26.—Punishment of extortion in officers.
——— c. 27.—Punishment of extortion in clerks of officers.
——— c. 28.—Punishment of maintenance in clerks.
——— c. 29.—Punishment of deceit in a pleader.
——— c. 30.—Punishment of extortion in justices' officers.
——— c. 31.—Punishment for taking excessive toll in towns.
——— c. 31 —Punishment of citizens making unlawful murage.
——— c. 32.—Punishment of purveyors not paying for what they take.
——— c. 32.—Punishment for taking part of the king's debt, or other reward, to pay it.
——— c. 32.—Punishment of purveyors taking more than they require, and exacting reward to liberate the excess.
——— c. 33.—Punishment of barretors concerning themselves in another suit.
——— c. 33.—Punishment of sheriff, suffering barretors to concern themselves in another suit.
——— c. 34.—Punishment for reporting seditious news.
——— c. 35.—Punishment for arresting within a liberty those that hold not thereof.
——— c. 37.—Punishment of a disseisin with force, or with robbery, done in the time of Edw. 1.
——— c. 45.—Punishment of sheriff for not returning a writ.
——— c. 48.—Punishment of guardian making feoffment of ward's land.
4 Edw. 1. st. 2.—Of what things and in what manner a coroner shall inquire.
——— st. 2. s. 2.—Arrests by coroners.
——— st. 2. s. 2.—Arrest of accessories in appeals.
——— st. 2. s. 2.—Arrest of those laying hands on wrecks.
——— st. 2. s. 2.—Arrest of suspected persons.
——— st. 2. s. 2.—Punishment for not levying hue and cry.
——— st. 3. c. 5.—Takes away clergy from bigamy.
6 Edw. 1. c. 8.—Punishment of defendant in trespass, not substantiating his essoin of being in the king's service.
——— c. 9.—Homicide in self defence, or by misfortune; its consequences.
——— c. 15.—Presentment by corporation of London of wines sold against the assize.
12 Edw. 1.—Criminal proceedings in Wales shall be governed, not by the Welsh but the English law.
13 Edw. 1. c. 5.—Punishment for disturbing the presentation to a benefice.
——— c. 12.—Punishment of malicious appeals.
——— c. 25.—Punishment of a defendant, principal or bailiff, in an assize of novel disseisin, failing of an exception pleaded.
——— c. 25.—Punishment for suing an assize of novel disseisin, contrary to one's own deed.

13 Edw. 1. c. 26.—Punishment of redisseisin.
——— c. 29.—To whom commissions of oyer and terminer shall be granted.
——— c. 29.—To whom writs to determine appeals shall be granted.
——— c. 34.—Punishment of rape.
——— c. 34.—Punishment of carrying off a nun.
——— c. 35.—Punishment and proceedings in cases of ravishment of ward.
——— c. 36.—Punishment for distraining upon malicious suits in courts baron, &c.
——— c. 37.—Punishment for distraining by others than bailiffs known and sworn.
——— c. 38.—Punishment of officers offending against this statute, regulating how many and what persons shall be returned in juries and assizes, and court of prosecution.
——— c. 39.—Punishment of a sheriff for returning a liberty where none is.
——— c. 39.—Punishment of sheriff's default in returning issues.
——— c. 39.—Punishment of sheriffs bailiff falsely returning that there was disturbance of execution of process.
——— c. 39.—Punishment and proceedings in cases of disturbance of execution of process.
——— c. 43.—Punishment of hospitallers and templars drawing people into suit unduly.
——— c. 43.—Punishment of the keepers of the privileges of hospitallers and templars making or acknowledging a citation for what belongs to the king's court.
——— c. 43.—Punishment of the keepers of the privileges of hospitallers and templars for usurpations by their deputies.
——— c. 44.—Punishment for offending against this statute, regulating the fees of the officers therein mentioned.
——— c. 47.—Punishment for taking salmon at certain times of the year.
——— c. 49.—Punishment for buying the title of land depending in suit.
——— c. 1. (st. Wynt.)—Enjoins hue and cry in case of felony.
——— c. 2. (st. Wynt.)—Inquests of felons and robbers, by whom taken.
——— c. 4. (st. Wynt.)—Strangers may be arrested by the night-watch.
——— c. 6. (st. Wynt.)—Presentment by constables of defaults about armour.
——— c. 6.—(st. Wynt.)—Presentment by constables of strangers in uplandish towns, for whom they will not answer.
——— c. 6.—(st. Wynt.)—Presentment by justices assigned of defaults.
——— c. 6.—(st. Wynt.)—Enjoining officers to make hue and cry.
——— c. 6.—(st. Wynt.)—Presentment by constables of sheriffs or bailiffs not keeping themselves prepared to make hue and cry.
——— (Artic. Inquis. Wynt.)—In what manner inquiry shall be made of the execution of the statute of Wynton.
——— (Circ. agatis.)—The offence of laying violent hands upon a clerk may be prosecuted in the spiritual court.
17 Edw. 1. c. 3.—Punishment for infringing the statute of exportation from Ireland.
——— c. 5.—Punishment for taking more than the regular marshal's fee in Ireland.
——— c. 6.—How pardons shall be granted by the justices of Ireland.
20 Edw. 1. st. 4.—Punishment for dispending, receiving, or sending foreign coin.
——— st. 4.—Punishment for refusing to show one's money on arriving from abroad.

20 Edw. 1. st. 4.—Punishment for sending money packed in a suspicious looking manner.

———— st. 4.—Punishment for gainsaying the breaking of foreign or rounded coin.

———— st. 4.—Binding over of one having false or clipped money in his possession.

21 Edw. 1. st. 1.—Punishment for trespassers in parks.

25 Edw. 1. c. 4.—Punishment for breaking Magna Charta, or the Charter of the Forest.

———— c. 4.—Punishment for neglect in the ordinary to denounce and publish as excommunicated the breakers of Magna Charta, or the Charter of the Forest.

27 Edw. 1. st. 1. c. 2.—Punishment of sheriff's neglecting to make tallies of payments received. Vide 14 Edw. 2.

———— st. 1. c. 2.—Punishment of sheriffs misdemeaning themselves in returning jurors and mainpernors.

———— st. 1. c. 3.—Appointment of jusices of gaol-delivery, and their power.

28 Edw. 1. (Stat. de App.—How persons appealed shall be proceeded against.

———— c. 1.—Commissioners shall be chosen by the counties to enforce the Great Charter, and the Charter of the Forest.

———— c. 2. s. 7. 10.—Punishment for making undue purveyance under warrant.

———— c. 2. s. 8.—Punishment for making purveyance without warrant.

———— c. 3.—How coroners shall inquire of the death of a man slain within the verge.

———— c. 9.—Punishment of sheriffs misdemeaning themselves in returning jurors.

———— c. 10.—Proceedings against conspirators, false informers, and procurers of juries.

———— c. 11.—Punishment of champerty.

———— c. 12.—Punishment for distraining beasts of the plough for the king's debt.

———— c. 12.—Punishment for taking excessive distress, or driving it too far, or not suffering it to be replevied, for the king's debt.

———— c. 16.—Punishment for false returns of writs.

———— c. 17.—How the statute of Winchester shall be proclaimed.

———— c. 17.—Commissioners chosen for enforcing the Great Charter and Charter of the Forest, shall enforce the statute of Winchester.

———— c. 20.—Punishment of goldsmiths offending against the regulations of this statute.

33 Edw. 1. st. 1.—Conspiracy defined.

34 Edw. 1. st. 1.—Punishment for tenant in assize of novel disseisin, mort d'auncestor, juris utrum, and other real actions, falsely and maliciously pleading joint-tenancy.

———— st. 4. c. 6.—Punishment for breaking the charter of 34 Edw. 1. st. 4.

———— st. 5. c. 1.—Presentment of offences done in the forest.

———— st. 5. c. 4.—Punishment of officers surcharging the forest.

35 Edw. 1.—Punishment of ecclesiastics transmitting taxes, imposed by their superiors, or among themselves, abroad.

————————Punishment of ecclesiastics quitting the kingdom, to carry out of it the goods of their houses.

————————Punishment of aliens, superiors of religious houses imposing taxes thereon.

1 Edw. 2.—Punishment for breach of prison.

7 Edw. 2. st. 3.—Punishment for bearing armour.

9 Edw. 2. c. 3.—Before what court the offence of laying violent hands upon a clerk shall be prosecuted.

———— c. 10.—Those abjuring the realm shall be in peace whilst in the church or highway.

———— c. 15.—Clerks taking sanctuary in felony shall not be commpelled to abjure.

———— c. 16.—Clerks confessing felony shall have their clergy.

12 Edw. 2. st. 1. c. 5.—Punishment of sheriffs changing the return made to them by bailiffs of liberties.

———— st. 1. c. 5.—Punishment of sheriffs or bailiffs omitting to set their names to their returns.

———— st. 1. c. 6.—Punishment of officers of cities or boroughs selling wine or victuals during their office.

17 Edw. 2. st. 2. c. 16.—King's prerogative to have the lands and goods of felons and fugitives.

18 Edw. 2.—Form of the charge to a jury at the court leet.

St. inc. temp. c. 2.—Punishment of a baker selling bread under weight.

———— c. 3.—Pillories shall be of convenient strength.

&c. &c. &c.

THE CONSOLIDATING PROCESS OF THE GENERAL ENACTMENTS.

SECTION I.

Enumeration.

THE General Provisions relating to Forgery are contained in—5 Eliz. c. 14; 21 Jac. 1. c. 26. s. 2; 4 W. & M. c. 4. s. 4; 2 G. 2. c. 25. s. 1; 7 G. 2. c. 22; 31 G. 2. c. 22. s. 78; 18 G. 3. c. 18; 27 G. 3. c. 43. s. 4; 43 G. 3. c. 139. s. 1, 2. 4, 5; 45 G. 3. c. 89. s. 1, 8.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

1. Loss (*a*) (inter alia) of both ears, for forging a deed, charter, writing sealed, court-roll, or will; and for uttering the same when forged. 5 Eliz. c. 14. s. 2. 5 Eliz. c. 14. s. 2. (*b*).

2. The remedy of the party grieved by the forgery of a deed, charter, writing sealed,

(*a*) The first section of 5 Eliz. c. 14. contains the preamble of the act, which is as follows—'Forasmuch as the wicked, pernicious, and dangerous practice of making, forging, and publishing false and untrue charters, evidences, deeds, and writings, hath of late time being very much more practised, used and put in use in all parts of this realm than in times passed, not only to the high displeasure of God, but also to the great injury, wrong, hurt, damage, disherison, and utter undoing of divers the queen's majesty's subjects of this realm, and to the great subversion of justice and truth, which seemeth to have grown and happened chiefly by reason that the pains and punishments limited for such great and notable offences, by the laws and statutes of this realm, before this time have been and yet are so small, mild, and easy, that such evil people have not been nor yet are afraid to enterprise the practising and doing of such offences.' 5 Eliz. c. 14. s. 1.

(*b*) The title of the Act is,—An Act against forgers of false deeds and writings.

sealed, court-roll, or will; and by the uttering of the same when forged. 5 Eliz. c. 14. s. 2.

5 Eliz. c. 14. s. 3

3. Loss (inter alia) of one ear, for forging a charter, deed, writing, obligation, bill obligatory, acquittance, release, or other discharge; and for uttering the same when forged. 5 Eliz. c. 14. s. 3.

4. The remedy of the party grieved by the offences in pl. 3. 5 Eliz. c. 14. s. 3.

5 Eliz. c. 14. s. 4.

5. The remedy of the party grieved by the offences in pl. 1. 3. 5 Eliz. c. 14. s. 4.

5 Eliz. c. 14. s. 5.

6. A conviction of any of the offences mentioned in pl. 1. 3, followed by corporal punishment, shall exempt the offender from being again impeached for the same offence. 5 Eliz. c. 14. s. 5.

5 Eliz. c. 14. s. 6.

7. The release or laches of the party grieved in a prosecution upon this statute, shall not discharge the offender from punishment. 5 Eliz. c. 14. s. 6.

5 Eliz. c. 14 s. 7.

8. A second offence against this act shall be felony. 5 Eliz. c. 14. s. 7.

9. But, notwithstanding the felony, the rights of third persons shall be saved. 5 Eliz. c. 14. s. 7.

5 Eliz. c. 14. s. 8.

10. So likewise the felony shall not deprive the wife of dower, nor occasion corruption of blood or disherison of heirs. 5 Eliz. c. 14. s. 8.

5 Eliz. c. 14. s. 9.

11. This act shall not extend to charge any ordinary or his officers with any of the offences aforesaid, for putting their seal of office to a forged will, or granting probate thereof, not knowing it to be forged. 5 Eliz. c. 14. s. 9.

5 Eliz. c. 14. s. 10.

12. Before what justices offences against this act shall be inquired of; and what process for the execution of the same shall issue. 5 Eliz. c. 14. s. 10.

5 Eliz. c. 14. s. 11.

13. Repeal of all former statutes made for forgery of deeds, charters, muniments, or writings. 5 Eliz. c. 14. s. 11.

5 Eliz. c. 14. s. 12.

14. This act shall not extend to charge proctors, advocates, or registers of ecclesiastical courts, archdeacon, official, or judge ecclesiastical, for certain acts done in a course of duty. 5 Eliz. c. 14. s. 12.

5 Eliz. c. 14. s. 13.

15. Special provision as to offences done before 1st June 1563–4. 5 Eliz. c. 14. s. 13.

5 Eliz. c. 14. s. 14.

16. Punishment for uttering a forged deed, charter, writing, will, or court-roll, made before 1st June 1563–4. 5 Eliz. c. 14. s. 14.

5 Eliz. c. 14. s. 15.

17. This act shall not extend to charge any attorney, lawyer, or counsellor, for pleading a forged writing, not being party or privy thereto. 5 Eliz. c. 14. s. 15.

5 Eliz. c. 14. s. 16.

18. This act shall not extend to charge any person for pleading an exemplification; nor for sealing the same. 5 Eliz. c. 14. s. 16. (*c*).

21 Jac. 1. c. 26. s. 2. (*e*).

19. Death, sans clergy (*d*), for acknowledging a fine, recovery, deed inrolled, statute, recognizance, bail, or judgment, in the name of another not privy or consenting to the same. 21 Jac. 1. c. 26. s. 2.

20. But an attainder shall not be any corruption of blood, nor loss of dower. 21 Jac. 1. c. 26. s. 2.

21. This

(*c*) The act contains no other provisions.

(*d*) The first section of the 21 Jac. 1. c. 26. contains the preamble to the act, which is as follows—'Whereas it is of late grown to be a great and general grievance to his majesty's subjects within the realm of England, and the dominion of Wales, that many lewd persons of base condition, for very little reward or recompense, have of late years used, and still do use, to levy fines, and suffer recoveries of lands and other hereditaments, to acknowledge statutes, recognizances, bails, and judgments, in the name or names of any other person or persons not privy or consenting to the same, which hath and daily doth turn to the great inquietation, charge, trouble and undoing of many of the good subjects of this kingdom, and the rather for that there is no remedy in law to reform these and the like abuses;' 21 Jac. 1. c. 26. s. 1.

(*e*) The act contains no other provisions.

21. This act shall not extend to any judgment acknowledged by an attorney of record for one against whom it is given. 21 Jac. 1. c. 26. s. 3 (*f*). 21 Jac. 1. c. 26. s. 3.

22. Death (*g*) for personating another as bail, before one empowered by this act to take bail. 4 W. & M. c. 4. s. 4. (*i*). 4 W. & M. c. 4. s. 4. (*h*).

23. Death, sans clergy (*k*), for forging a deed, will, testament, bond, writing obligatory, bill of exchange, promissory notes for payment of money, indorsement or assignment of a bill of exchange, or promissory note for payment of money, or an acquittance or receipt either for money or goods; and of uttering the same when forged. 2 G. 2. c. 25. s 1 (*m*). 2 G. 2. c. 25. s. 1. (*l*).

24. Death, sans clergy (*n*), for forging an acceptance of a bill of exchange, or the number or principal sum of an accountable receipt for a note, bill, or other security for payment of money, or a warrant or order for payment of money, or delivery of goods; and for uttering the same when forged. 7 G. 2. c. 22. (*p*). 7 G. 2. c. 22. (*o*).

25. Death, sans clergy (*q*) for forging a deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of a bill of exchange, or promissory note for payment of money, or an acquittance of receipt either for money or goods; and of uttering the same when forged. 31 G. 2. c. 22. s. 78 (*s*). 31 G. 2. c. 22. s. 78. (*r*).

26. Death, sans clergy (*t*), for forging an acceptance of a bill of exchange, or the 18 G. 3. c. 18. (*u*).

(*f*) The title of the Act is,—An Act against such as shall levy any fine, suffer any recovery, acknowledge any statute, recognizance, bail, or judgment, in the name of any other person or persons not being privy and consenting thereto.

(*g*) This section has no recital.

(*h*) The title of the Act is—An Act for taking special bails in the country upon actions and suits depending in the courts of King's Bench, Common Pleas, and Exchequer, at Westminster.

(*i*) The other sections of the act have no relation to the offence of forging or personation.

(*k*) The former part of this first section of 2 G. 2. c. 25. contains the preamble of the Act, which is as follows:—'Whereas the wicked, pernicious and abominable crimes of forgery, perjury and subornation of perjury, have of late times been so much practised, to the subversion of common truth and justice, and prejudice of trade and credit, that it is necessary, for the more effectually preventing of such enormous offences, to inflict a more exemplary punishment on such offenders, than by the laws of this realm can now be done;' 2 G. 2. c. 25. s. 1.

(*l*) The other provisions of the Act (sections 2 and 3) relate to perjury and larceny.

(*m*) The title of the Act is,—An Act for the more effectually preventing and further punishment of forgery, perjury, and subornation of perjury; and to make it felony to steal bonds, notes, or other securities for payment of money.

(*n*) The former part of this first section of 7 G. 2. c. 22. contains the preamble of the act, which is as follows:—Whereas in and by an act of parliament made in the second year of his present majesty's reign [here it recites the enactment of the first section of 2 G. 2. c. 25]: And whereas no punishment is inflicted by the said act upon any person who shall, [here it enumerates the offences which it afterwards punishes].

(*o*) The Act contains no other provisions.

(*p*) The title of the Act is—An Act for the more effectually preventing the forging the acceptance of bills of exchange, or the numbers or principal sums of accountable receipts for notes, bills, or other securities for payment of money, or warrants or orders for payment of money or delivery of goods.

(*q*) The former part of this seventy-eighth section of the 31 G. 2. c. 22. recites as follows:—'And whereas doubts may arise whether the punishment inflicted in and by an act of parliament made and passed in the second year of the reign of his present majesty (2 G. 2. c. 25. s. 1.), intituled [setting out the title], on persons guilty of the several species of forgery therein mentioned, extends to the commission of the like forgeries, with an intention to defraud any corporation;' 31 G. 2. c. 22. s. 78.

(*r*) The title of this Act is—An Act for granting to his majesty several rates and duties upon offices and pensions; and upon houses; and upon windows or lights; and for raising the sum of five millions by annuities, and a lottery to be charged on the said rates and duties.

(*s*) The other sections of this Act have no relation to the offence of forgery or personation.

(*t*) The former part of this enactment of 18 G. 3. c. 18. contains the preamble to the

(*u*) The title of the Act is—An Act to explain an Act, passed in the seventh year of the reign of his late majesty King George the second, intituled, [setting out the title].

the number or principal sum of an accountable receipt for a note, bill, or other security for payment of money, or any warrant or order for payment of money, or delivery of goods; and for uttering the same when forged. 18 G. 3. c. 18 (*x*).

27 G. 3. c. 43. s. 4. (*z*).

27. Death (*y*) for personating another, as bail, before one empowered by this act to take bail. 27 G. 3. c. 43. s. 4. (*a*).

43 G. 3. c. 139. s. 1 (*c*).

28. Fourteen (*b*) years transportation for forging a bill of exchange, promissory note, undertaking, or order for the payment of money of a foreign state; and for uttering the same when forged. 43 G. 3. c. 139. s. 1.

43 G. 3. c. 139. s. 2.

29. Six months imprisonment for a first offence, fourteen years transportation for a second, for manufacturing plates to fabricate a bill of exchange, promissory note, undertaking, or order for the payment of money of a foreign state; and for taking impressions from the same; and for having in one's possession such plate or impression. 43 G. 3. c. 139. s. 2.

43 G. 3. c. 139. s. 4.

30. The privilege of traversing to a subsequent assizes or sessions, taken away from those indicted under this act. 43 G. 3. c. 139. s. 4.

43 G. 3. c. 139. s. 5.

31. A certificate of a former conviction shall be evidence on a trial for a second offence. 43 G. 3. c. 139. s. 5 (*d*).

45 G. 3. c. 89. s. 1. (*f*).

32. Death (*e*), sans clergy, for forging a deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of a bill of exchange, or promissory note for payment of money, acceptance of a bill of exchange, or an acquittance or receipt either for money

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the act, which is as follows:—'Whereas doubts have arisen whether the punishment inflicted by an act of parliament made and passed in the seventh year of the reign of his late majesty King George the second (7 G. 2. c. 22), intituled [setting out the title], on persons guilty of the several species of forgery therein mentioned, extends to such forgeries when committed with an intention to defraud any corporation;' 18 G. 3. c. 18.

(*x*) The Act contains no other provisions.

(*y*) This section has no recital.

(*z*) The title of this Act is—An Act for taking and swearing affidavits to be made use of in the Court of Session of the county palatine of Chester; and for taking of special bail in actions and suits depending in the same court.

(*a*) The other sections of this Act have no relation to the offence of forgery or personation.

(*b*) The former part of this first section of the 43 G. 3. c. 139. contains the preamble of the Act, which is as follows:—'Whereas the practice of forging and counterfeiting foreign bills of exchange, foreign promissory notes, and foreign orders for payment of money, hath of late greatly increased, and plates of such bills, notes, and orders, have been in some instances engraven within the united kingdom of Great Britain and Ireland, whereby such forgeries have been more easily committed; and it is expedient that effectual provision should be made for the preventing of the same;' 43 Geo. 3. c. 139. s. 1.

(*c*) The title of this Act is—'An Act for preventing the forging and counterfeiting of foreign bills of exchange, and of foreign promissory notes and orders for the payment of money; and for preventing the counterfeiting of foreign copper money.

(*d*) Besides these provisions, the Act contains the following:—'Section 3 relates to the counterfeiting of foreign coin of less value than silver coin. Section 6 relates to having in possession such counterfeit coin. Section 7 relates to the detection of the fabricators of such coin. Section 8 relates to convictions before justices of peace under this act, namely, under section 6, vide *etiam*, section 7. Section 9 relates to the protection of those sued for matters done under this act, matters, namely, done under section 6 and 7.'

(*e*) The former part of this first section of the 45 G. 3. c. 89, contains the preamble of the act, which is as follows:—'Whereas by an act, passed in the second year of the reign of his late Majesty King George the Second, intituled, [here it sets forth the title of the 2 G. 2. c. 25; and then proceeds, in like manner, to notice the 7 G. 2. c. 22; 31 G. 2. c. 22; 15 G. 2. c. 13 (bank act); and 41 G. 3. (U. K.) c. 39 (bank act); it then continues thus] certain provisions were made and enacted for the preventing and punishing the forging of bank notes, and other notes, bills, and instruments, in these acts respectively mentioned: And whereas it is expedient that such provisions should extend and be in force in every part of Great Britain, with such alterations and amendments therein as are hereby made.' 45 G. 3. c. 89. s. 1.

(*f*) The title of this Act is as follows:—'An Act to alter and extend the provisions of the laws now in force for the punishment of the forgery of bank notes, bills of exchange, and other securities, to every part of Great Britain.'

money or goods, or an accountable receipt for a note, bill, or other security for payment of money, or a warrant or order for payment of money or delivery of goods, and of uttering the same when forged. 45 G. 3. c. 89. s. 1.

33. The provisions of this act shall extend to every part of Great Britain. 45 G. 3. c. 89. s. 8. (g). 45 G. 3. c. 89 s. 8.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

THE Enactments having been analyzed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

It appears from the Analysis, that the Provisions under consideration relate to, 1° *British Securities;* 2° *Foreign Securities;* 3° *The Personation of another.* Hence, three *Principal Divisions* of *Arrangement.* And in this order, taking the Number prefixed to each Placitum in the Analysis as the Representative of the Provision noticed in that Placitum, they are thus arranged:

I. *British Securities,* 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18. 23, 24, 25, 26. 32, 33.

II. *Foreign Securities,* 28, 29, 30, 31.

III. *Personation,* 19, 20, 21, 22. 27.

I. *As to British Securities:*—It appears from the Analysis, that the Provisions relating to British Securities relate to, 1° *The Denunciation of Offences;* 2° *Matters connected with the Denunciation of Offences;* 3° *Exemption from Punishment of Acts done in a Course of Duty;* 4° *The Saving of the Rights and Privileges of Third Persons;* 5° *The Remedy of the Party Grieved, and matters connected therewith;* 6° *The Repeal of former Enactments.* Hence, six *Subordinate Divisions* of *Arrangement.* And in this order, taking the Number prefixed to each Placitum in the Analysis as the Representative of the Provision noticed in that Placitum, they are thus subdivided:

1° *The Denunciation of Offences*—1. 3. 23, 24, 25, 26. 32.

2° *Matters connected with the Denunciation of Offences*—6. 8. 12. 15, 16. 32.

3° *Exemption from Punishment of Acts done in a course of Duty*—11. 14. 17. 18.

4° *The Saving of the Rights and Privileges of Third Persons*—9, 10.

5° *The Remedy of the Party grieved, and matters connected therewith*—2. 4. 5. 7.

6° *The Repeal of former Enactments*—13.

II. *As to foreign Securities:*—It appears from the Analysis, that Provisions relating to this subject are all contained in one and the same statute. No subordinate arrangement, therefore, as to these is requisite.

III. *As to Personation:*—It appears from the Analysis, that Provisions relating to this subject are, some General, some Particular. Hence two *Subordinate Divisions* of *Arrangement.* And in this order, taking the Number prefixed to each Placitum in the Analysis as the Representative of the Provision noticed in that Placitum, they are thus sub-divided:

1° *General Provisions*—19, 20, 21.

2° *Particular Provisions*—22. 27.

(g) The remaining provisions of this act (contained in s. 2. to s. 7, inclusive) relate to forgeries against the bank of England.

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

THE arrangement being completed, and provisions having an affinity to each other being, through its agency, brought into juxta position; the next step is to ascertain what influence subsequent have had upon antecedent provisions.

And, **First**, in relation to *British Securities*.

1° *The Denunciation of Offences.*—1. (*a*) 3. (*b*) 23. (*c*) 24. (*d*) 25. (*e*) 26. (*f*) 32 (*g*).

It appears from the Analysis, that the first denunciations of forgery, in the order of time, are those contained in the second and third sections of the 5 Eliz. c. 14. It appears, likewise, from the said Analysis, that each of these denunciations prescribe different punishments; so that, from this cause alone, they stand distinct, and without influence upon each other. The influence, therefore, of subsequent enactments is to be ascertained with reference to each of these first denunciations separate and by itself.

And First, the influence of the subsequent enactments upon that of the second section of the 5 Eliz. c. 14.

5 Eliz. c. 14. s. 2.

[5 Eliz. c. 14. s. 2.]—In any person or persons whatsoever[1], upon his or their own head and imagination, or by false conspiracy and fraud with others[2], shall wittingly, subtilly and falsely forge or make[3], or subtilly cause, or wittingly assent to be forged or made[4], any false deed[5], charter[6], or writing sealed[7], court roll[8], or the will of any person or persons in writing[9]; to the intent that the state of freehold or inheritance of any person or persons of, in, or to any lands tenements or hereditaments, freehold or copyhold, or the right, title, or interest of, any person or persons of, in, or to the same, or any of them, shall or may be molested, troubled, defeated, recovered, or charged[10]; or shall pronounce, publish, or show forth in evidence any such false and forged deed, charter, writing, court-roll, or will, as true[11], knowing the same to be false and forged as aforesaid[12], to the intent above remembered[13], and shall be thereof convicted, either upon action or actions of forger of false deeds, to be founded upon this statute, at the suit of the party grieved, or otherwise according to the order and due course of the laws of this realm[14], shall be set upon the pillory in some open market town, and there to have both his ears cut off, and also his nostrils to be slit and cut, and seared with a hot iron, so as they may remain for a perpetual note or mark of his falsehood; and shall forfeit to the queen our sovereign lady, her heirs and successors, the whole issues and profits of his lands and tenements during his life, and also shall suffer and have perpetual imprisonment, during his life[15].

2 G. 2. c. 25. s. 1.

[2 G. 2. c. 25. s. 1.]—If any person[1] shall falsely make, forge, or counterfeit[2], or cause or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting[3] any deed[4], will[5], testament[6], bond[7], writing obligatory[8], bill of exchange[9], promissory note for payment of money[10], indorsement or assignment of any bill of exchange or promissory note for payment of money[11], or any acquittance or receipt either for money or goods[12], with intention to defraud any person whatsoever[13]; or shall

(*a*) 5 Eliz. c. 14. s. 2.
(*b*) 5 Eliz. c. 14. s. 3.
(*c*) 2 G. 2. c. 25. s. 1.
(*d*) 2 G. 2. c. 22.
(*e*) 31 G. 2. c. 22. s. 78.
(*f*) 18 G. 3. c. 18.
(*g*) 45 G. 3. c. 89. s. 1.

Notes to 2 *G.* 2. *c.* 25. *s.* 1.

[1] Equivalent to[1] in 5 Eliz. c. 14. s. 2.
[2] Equivalent to[2] in 5 Eliz. c. 14. s. 2.
[3] Equivalent at least to, and semble, more extensive than, [4] in 5 Eliz. c. 14 s. 2.
[4] The same as [6] in 5 Eliz. c. 14. s. 2.
[5] Equivalent to [9] in 5 Eliz. c. 14. s. 2.
[6] Not in 5 Eliz. c. 14. s. 2.
[7] Not in 5 Eliz. c. 14. s. 2.
[8] Not in 5 Eliz. c. 14. s. 2.
[9] Not in 5 Eliz. c. 14. s. 2.
[10] Not in 5 Eliz. c. 14. s. 2.
[11] Not in 5 Eliz. c. 14. s. 2.
[12] Not in 5 Eliz. c. 14. s. 2.
[13] Since this enactment is confined to a *fraudulent* intention, and [10] [vide etiam [2]] in 5 Eliz. c. 14. s. 2. seems, in the generality of its terms, to embrace any ill intention;

shall utter or publish as true any false, forged or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement, or assignment of any bill of exchange, or promissory note for payment of money, acquittance, or receipt either for money or goods[14], with intention to defraud any person[15], knowing the same to be false, forged or counterfeited[16]; then every such person, being thereof lawfully convicted according to the due course of law[17], shall be deemed guilty of felony, and suffer death as a felon without benefit of clergy[18].

The influence of 2 G. 2. 25. s. 1, upon 5 Eliz. c. 14. s. 2, as shewn by the notes to 2 G. 2, is this; 1° Where the offender's motive is other than fraudulent, the 5 Eliz. c. 14, s. 2, is in full force notwithstanding the 2 G. 2; 2° Since divisions 6, 7, 8, of 5 Eliz. c. 14. s. 2, have no corresponding divisions in 2 G. 2, the 5 Eliz. is, in regard to these divisions in full force, notwithstanding the 2 G. 2; 3° In other respects it is impliedly repealed by 2 G. 2. Its influence upon 5 Eliz. c. 14. s. 2.

[7 G. 2. c. 22.]—If any person[1] shall falsely make, alter, forge or counterfeit[2], or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting[3] any acceptance of any bill of exchange[4], or the number or principal sum of any accountable receipt for any note, bill or other security for payment of money[5], or any warrant or order for payment of money or delivery of goods[6], with intention to defraud any person whatsoever[7]; or shall utter or publish as true, any false, altered, forged or counterfeited acceptance of any bill of exchange, or accountable receipt for any note, bill or other security for payment of money, or warrant or order for payment of money or delivery of goods[8], with intention to defraud any person[9], knowing the same to be false, altered, forged, or counterfeited[10], then every such person, being thereof lawfully convicted according to the due course of law[11], shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy[12]. 7 G. 2. c. 22.

It appears from the notes to 7 G. 2. c. 22, that itself and the 5 Eliz. c. 14, and 2 G. 2. c. 25, relate to different things. Hence it has no influence upon those enactments. Its influence upon 5 Eliz. c. 14. s. 2; and 2 G. 2. c. 25. s. 1.

[31 G. 2. c. 22. s. 78.]—If any person[1] shall falsely make, forge or counterfeit[2], or cause or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting[3] any deed[4], will[5], testament[6], bond[7], writing obligatory[8], bill of exchange[9], promissory 31 G. 2. c. 22. s. 78.

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tention; for example, a *malicious* as well as *fraudulent* molestation; the 5 Eliz. c. 14. s. 2. is, where the intention is other than fraudulent, not affected by 2 G. 2. c. 25. s. 1.

[14] Equivalent at least to [11] in 5 Eliz. c. 14. s. 2.

[15] Less extensive than [13] in 5 Eliz. c. 14. s. 2. Vide Supra, note [13].

[16] Equivalent to [12] in 5 Eliz. c. 14. s. 2.

[17] Corresponding with [14] in 5 Eliz. c. 14. s. 2.

[18] Merging [15] in 5 Eliz. c. 14. s. 2. excepting where the offender's motive is other than fraudulent. Vide Supra, note [13], excepting also in the cases [6 7 8] in 5 Eliz. c. 14. s. 2.

[19] Vide Supra, note [13].

[20] Run over the notes.

Notes to 7 *G.* 2. *c.* 22.

[1] The same as [1] in 2 G. 2. c. 25. s. 1.

[2] Equivalent to [2] in 2 G. 2. c. 25. s. 1. since the additional word *alter* does not carry the matter further. See the Code, pl.

[3] Equivalent to [3] in 2 G. 2. c. 25. s. 1.

[4] Not in 5 Eliz. c. 14. s. 2., nor 2 G. 2. c. 25. s. 1.

[5] Not in 5 Eliz. c. 14. s. 2., nor 2 G. 2. c. 25. s. 1.

[6] Not in 5 Eliz. c. 14. s. 2., nor 2 G. 2. c. 25. s. 1.

[7] The same as [13] in 2 G. 2. c. 25. s. 1.

[8] The same as [14] in 2 G. 2. c. 25. s. 1. rejecting the subject matter.

[9] The same as [15] in 2 G. 2. c. 25. s. 1.

[10] Equivalent to [16] in 2 G. 2. c. 25. s. 1.

[11] The same as [17] in 2 G. 2. c. 25. s. 1.

[12] Equivalent to [18] in 2 G. 2. c. 25. s. 1.

Notes to 31 *G.* 2. *c.* 22. *s.* 78.

[1] The same as [1] in 2 G. 2. c. 25. s. 1.

[2] The same as [2] in 2 G. 2. c. 25. s. 1.

[3] The same as [3] in 2 G. 2. c. 25. s. 1.

[4] The same as [4] in 2 G. 2. c. 25. s. 1.

[5] The same as [5] in 2 G. 2. c. 25. s. 1.

[6] The same as [6] in 2 G. 2. c. 25. s. 1.

[7] The same as [7] in 2 G. 2. c. 25. s. 1.

[8] The same as [8] in 2 G. 2. c. 25. s. 1.

[9] The same as [9] in 2 G. 2. c. 25. s. 1.

promissory note for payment of money[10], indorsement or assignment of any bill of exchange, or promissory note for payment of money[11], or any acquittance or receipt either for money or goods[12], with an intention to defraud any corporation whatsoever[13], or shall utter or publish as true any false, forged or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange, or promissory note for payment of money, acquittance or receipt either for money or goods[14], with intention to defraud any corporation[15], knowing the same to be false, forged or counterfeited[16]; then every such person, being thereof lawfully convicted, according to the due course of law[17], shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy[18].

Its influence upon 5 Eliz. c. 14. s. 2.; 2 G. 2. c. 25. s. 1, and 7 G. 2. c. 22.

It appears from the notes to 31 G. 2. c. 22. s. 78, that it is applicable to offences done with intent to defraud a *corporation* only. And since the 5 Eliz. c. 14. s. 2, 2 G. 2. c. 25, and 7 G 2. c. 22, have no application to such a case, it has no influence upon those enactments.

18 G. 3. c. 18.

[18 G. 3. c. 18.]—If any person[1] shall falsely make, alter, forge or counterfeit[2], or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting[3] any acceptance of any bill of exchange[4], or the number or principal sum of any accountable receipt for any note, bill, or other security, for payment of money[5], or any warrant or order for payment of money, or delivery of goods[6], with intention to defraud any corporation whatsoever[7], or shall utter or publish as true any false, altered, forged or counterfeited acceptance of any bill of exchange, or accountable receipt for any note, bill, or other security for payment of money, or warrant or order for payment of money, or delivery of goods[8], with intention to defraud any corporation whatsoever[9], knowing the same to be false, altered, forged or counterfeited[10], every such person, being thereof lawfully convicted[11], shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy[12].

Its influence upon 5 Eliz. c. 14. s. 2; 2 G. 2. c. 25. s. 1; 7 G. 2. c. 22, and 31 G. 2. c. 22. s. 78.

It appears from the notes to 18 G. 3. c. 18, that it is applicable to offences done with intent to defraud a *corporation* only. And since the 5 Eliz. c. 14. s. 2; 2 G. 2. c. 25, and 7 G. 2. c. 22, have no application to such a case, it has no influence upon those enactments. And though the 31 G. 2. c. 22. s. 78, relates to offences done with intent to defraud a corporation; yet the offences being of a different nature to those denounced by the 18 G. 3, that statute has no influence upon the 31 G. 2.

45 G. 3. c. 89. s. 1.

[45 G. 3. c. 89. s. 1.]—If any person or persons[1] shall falsely make, forge, counterfeit or alter[2], or cause or procure to be falsely made, forged, counterfeited or altered, or willingly act or assist in the false making, forging, counterfeiting or altering[3] any deed[4], will[5], testament[6], bond[7], writing obligatory[8], bill of exchange[9], promissory note for payment of money[10], indorsement, or assign

ment

[10] The same as [10] in 2 G. 2. c. 25. s. 1.
[11] The same as [11] in 2 G. 2. c. 25. s. 1.
[12] The same as [12] in 2 G. 2. c. 25. s. 1.
[13] Not in 2 G. 2. c. 25. s. 1.
[14] The same as [14] in 2 G. 2. c. 25. s. 1.
[15] Not in 2 G. 2. c. 25. s. 1.
[16] The same as [16] in 2 G. 2. c. 25. s. 1.
[17] The same as [17] in 2 G. 2. c. 25. s. 1.
[18] The same as [18] in 2 G. 2. c. 25. s. 1.

Notes to 18 *G.* 3. c. 18.

[1] The same as [1] in 7 G. 2. c. 22.
[2] The same as [2] in 7 G. 2. c. 22.
[3] The same as [3] in 7 G. 2. c. 22.
[4] The same as [4] in 7 G. 2. c. 22.
[5] The same as [5] in 7 G. 2. c. 22.
[6] The same as [6] in 7 G. 2. c. 22.
[7] Not in 7 G. 2. c. 22.
[8] The same as [8] in 7 G. 2. c. 22.
[9] Not in 7 G. 2. c. 22.
[10] The same as [10] in 7 G. 2. c. 22.
[11] Equivalent to [11] in 7 G. 2. c. 22.
[12] The same as [12] in 7 G. 2. c. 22.

Notes to 45 *G.* 3. c. 89. s. 1.

[1] Equivalent to [1] in 18 G. 3. c. 18.
[2] The same as [2] in 18 G. 3. c. 18.
[3] The same as [3] in 18 G. 3. c. 18.
[4] The same as [4] in 2 G. 2. c. 25. s. 1.
[5] The same as [5] in 2 G. 2. c. 25. s. 1.
[6] The same as [6] in 2 G. 2. c. 25. s. 1.
[7] The same as [7] in 2 G. 2. c. 25. s. 1.
[8] The same as [8] in 2 G. 2. c. 25. s. 1.
[9] The same as [9] in 2 G. 2. c. 25. s. 1.
[10] The same as [10] in 2 G. 2. c. 25. s. 1.

ment of any bill of exchange, or promissory note for payment of money[11], acceptance of any bill of exchange[12], or any acquittance or receipt, either for money or goods[13], or any accountable receipt for any note, bill or other security, for payment of money[14], or any warrant or order for payment of money or delivery of goods[15], with intention to defraud any person or persons[16], body or bodies politic or corporate whatsoever[17], or shall offer, dispose of, or put away any false, forged counterfeited or altered deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange, or promissory note for payment of money, acceptance of any bill of exchange, acquittance or receipt, either for money or goods, accountable receipt for any note, bill or other security, for payment of money, warrant or order for payment of money or delivery of goods[18], with intention to defraud any person or persons[19], body or bodies politic or corporate[20], knowing the same to be false, forged, counterfeited or altered[21], then every person or persons so offending, and being thereof lawfully convicted, according to the due course of law[22], shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy[23].

Its influence upon 5 Eliz. c. 14. s. 2; 2 G. 2. c. 25. s. 1; 7 G. 2. c. 22; 31 G. 2. c. 22. s. 78, and 18 G. 3. c. 18.

It appears from the notes to the 45 G. 3. c. 89. s. 1, that its provisions are co-extensive with those of the 2 G. 2. c. 25. s. 1; 7 G. 2. c. 22; 31 G. 2. c. 22. s. 78, and 18 G. 3. c. 18. It, therefore, can have no influence upon the 5 Eliz. c. 14. s. 2, beyond the influence which those enactments have. The extent of that influence has already been stated; from which statement it has appeared, that where the offender's motive is other than fraudulent, the 5 Eliz. c. 14. s. 2, is still operative; and that even where the offender's motive is fraudulent, divisions 6, 7, 8, of the 5 Eliz. c. 14. s. 2, are still operative. To the same extent, therefore, the 5 Eliz. c. 14. s. 2, is still operative, notwithstanding the 45 G. 3. c. 89. s. 1.

Since the 45 G. 3. c. 89. s. 1, is co-extensive with the 2 G. 2. c. 25. s. 1; 7 G. 2. c. 22; 31 G. 2. c. 22. s. 78, and 18 G. 3. c. 18, these enactments may be considered as virtually merged in and repealed by the 45 G. 3.

Secondly, Of the influence of subsequent Enactments upon the Third Section of the 5 Eliz. c. 14.

It has appeared from the notes to the 45 G. 3. c. 89. s. 1, that the 2 G. 2. c. 25. s. 1; 7 G. 2. c. 22; 31 G. 2. c. 22. s. 78, and 18 G. 3. c. 18, may be considered as virtually merged in and repealed by the 45 G. 3. Hence it will be sufficient to consider the influence of that enactment upon the 5 Eliz. c. 14. s. 3.

5 Eliz. c. 14 s. 3.

[5 Eliz. c. 14. s. 3.]—If any person or persons[1], upon his or their own head or imagination, or by false conspiration or fraud had with any other[2], shall wittingly, subtilly and falsely forge or make[3], or wittingly, subtilly and falsely cause or assent to be made and forged[4], any false charter[5], deed[6] or writing[7], to the intent that any person shall or may have or claim any estate or interest, for term of years, of in or to any manors, lands, tenements or hereditaments, not being copyhold, or any annuity in fee simple, fee tail, or for term of life, lives or years[8]; or shall, as is aforesaid[9], forge, make[10], or cause or assent to be made or forged[11], any obligation[12], or bill obligatory[13], or any acquittance release, or other discharge of any debt, accompt, action, suit, demand, or other things

[11] The same as [11] in 2 G. 2. c. 25. s. 1.
[12] The same as [4] in 7 G. 2. c. 22.
[13] The same as [12] in 2 G. 2. c. 25. s. 1.
[14] Equivalent to [6] in 7 G. 2. c. 22.
[15] The same as [6] in 7 G. 2. c. 22.
[16] Equivalent to [13] in 2 G. 2. c. 25. s. 1. and [7] in 7 G. 2. c. 22.
[17] Equivalent to [13] in 31 G. 2. c. 22. s. 78. and [7] in 18 G. 3. c. 18.
[18] Equivalent at least to [14] in 2 G. 2. c. 25. s. 1; to [8] in 7 G. 2. c. 22.; to [14] in 31 G. 2. c. 22. s. 78; and to [8] in 18 G. 3. c. 18.
[19] Equivalent to [15] in 2 G. 2. c. 25. s. 1.; and [9] in 7 G. 2. c. 22.
[20] Equivalent to [15] in 31 G. 2. c. 22. s. 78; and to [9] in 18 G. 3. c. 18.
[21] Equivalent to [16] in 2 G. 2. c. 25. s. 1; to [10] in 7 G. 2. c. 22; to [16] in 31 G. 2. c. 22. s. 78; and to [10] in 18 G. 3. c. 18.
[22] Equivalent to [17] in 2 G. 2. c. 25. s. 1; to [11] in 7 G. 2. c. 22; to [17] in 31 G. 2. c. 22. s. 78; and to [11] in 18 G. 3. c. 18.
[23] The same as [18] in 2 G. 2. c. 25. s. 1; to [12] in 7 G. 2. c. 22; to [18] in 31 G. 2. c. 22. s. 78; and to [12] in 18 G. 3. c. 18.

things personal[14]; or if any person or persons shall pronounce, publish, or give in evidence, any such false and forged charter, deed, writing, obligation, bill obligatory, acquittance, release or discharge, as true[15], knowing the same to be false and forged[16], and shall be thereof convicted by any the ways or means aforesaid[17]; that then he shall be set upon the pillory in some open market town or other open place, and there to have one of his ears cut off, and shall also have and suffer imprisonment by the space of one whole year, without bail or mainprize[18].

Influence of the 45 G. 3. c. 89. s. 1. upon 5 Eliz. c. 14. s. 3.

[45 G. 3. c. 89. s. 1.]—If any person or persons[1] shall falsely make, forge, counterfeit or alter[2], or cause or procure to be falsely made, forged, counterfeited or altered, or willingly act or assist in the false making, forging, counterfeiting or altering[3] any deed[4], will[5], testament[6], bond[7], writing obligatory[8], bill of exchange[9], promissory note for payment of money[10], indorsement or assignment of any bill of exchange, or promissory note for payment of money[11], acceptance of any bill of exchange[12], or any acquittance or receipt, either for money or goods[13], or any accountable receipt for any note, bill, or other security for payment of money[14], or any warrant or order for payment of money, or delivery of goods[15], with intention to defraud any person or persons[16], body or bodies politic or corporate whatsoever[17]; or shall offer, dispose of or put away any false, forged, counterfeited or altered deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange, or promissory note for payment of money, acceptance of any bill of exchange, acquittance or receipt, either for money or goods, accountable receipt for any note, bill, or other security for payment of money, warrant or order for payment of money or delivery of goods[18], with intention to defraud any person or persons[19], body or bodies politic or corporate[20], knowing the same to be false, forged, counterfeited or altered[21]; then every person or persons so offending, and being thereof lawfully convicted, according to the due course of law[22], shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy[23].

It appears from the notes to 45 G. 3. c. 89. s. 1, that where the offender's motive is *other than fraudulent*, the 5 Eliz. c. 14. s. 3, is not touched by the 45 G. 3. c. 89. s. 1, but is still operative notwithstanding that enactment. It appears, likewise, from the said notes, that division 5 of 5 Eliz. c. 14. s. 3, has no corresponding division in 45 G. 3. c. 89. s. 1. In regard to this division, therefore, the

Notes to 45 *G.* 3. *c.* 89. *s.* 1.

[1] The same as [1] in 5 Eliz. c. 14. s. 3.

[2] Equivalent to [3] and [10] in 5 Eliz. c. 14. s. 3.

[3] Equivalent at least to and semble, more extensive than,[4] and [11] in 5 Eliz. c. 14. s. 3.

[4] The same as [6] in 5 Eliz. c. 14. s. 3.

[5] Included by, but less extensive than, [7] in 5 Eliz. c. 14. s. 3. Hence, in respect of the excess, the 5 Eliz. c. 14. s. 3. is still operative.

[6] Included by, but less extensive than [7] in 5 Eliz. c. 14. s. 3. Hence, in respect of the excess, the 5 Eliz. c. 14. s. 3. is still operative.

[7] Equivalent to [12] in 5 Eliz. c. 14. s. 3.

[8] Equivalent to [13] in 5 Eliz. c. 14. s. 3.

[9] Not in 5 Eliz. c. 14. s. 3.

[10] Not in 5 Eliz. c. 14. s. 3.

[11] Not in 5 Eliz. c. 14. s. 3.

[12] Not in 5 Eliz. c. 14. s. 3.

[13] Included by, but less extensive than,[14] in 5 Eliz. c. 14. s. 3. Hence, in respect of the excess, the 5 Eliz. c. 14. s. 3. is still operative.

[14] Not in 5 Eliz. c. 14. s. 3.

[15] Not in 5 Eliz. c. 14. s. 3.

[16] Since this enactment is confined to a *fraudulent* intention, and [8] and [9] (vide etiam [2]) in 5 Eliz. c. 14. s. 3. seem, in the generality of the terms of the one, and the omission of any defined intention of the other, to embrace a *malicious* as well as *fraudulent* molestation, the 5 Eliz. c. 14. s. 3. is, where the intention is other than fraudulent, not affected by 45 G. 3. c. 89. s. 1.

[17] Not in 5 Eliz. c. 14. s. 3.

[18] More extensive than [15] in 5 Eliz. c. 14. s. 3.

[19] No corresponding clause in 5 Eliz. c. 14. s. 3.

[20] Not in 5 Eliz. c. 14. s. 3.

[21] Equivalent to [16] in 5 Eliz. c. 14. s. 3.

[22] Corresponding with [17] in 5 Eliz. c. 14. s. 3.

[23] Merging [18] in 5 Eliz. c. 14. s. 3. excepting where the offender's motive is other than fraudulent; vide supra note [16], excepting also in the cases [7] and [14] in 5 Eliz. c. 14. s. 3.

the 5 Eliz. c. 14. s. 3, is not touched by the 45 G. 3. c. 89. s. 1, (unless the term *charter* is implied in the words *deed* or *writing*), but, in regard to this division, is still operative, notwithstanding that enactment. It appears, likewise, from the said notes, that divisions 7 and 14 of 5 Eliz. c. 14. s. 3, are more extensive than the corresponding divisions in 45 G. 3. c. 89. s. 1. In regard to the excess, therefore these divisions are still operative notwithstanding that enactment.

2° *Matters connected with the Denunciation of Offences*—6 (*a*). 8 (*b*). 12 (*c*). 15 (*d*). 16 (*e*). 33 (*f*).

It appears from the analysis, that matters connected with the denunciation of offences are contained in the 5 Eliz. c. 14. and 45 G. 3. c. 89. It has appeared, likewise, from the premises, that both these statutes are still in force; the latter altogether, the former to a certain extent. Matters, therefore, connected with the denunciation of offences, are still operative; those contained in the 45 G. 3. c. 89. altogether; those contained in the 5 Eliz. c. 14. to the extent to which itself is in force.

3° *Exemption from Punishment of Acts done in a course of Duty*—11 (*a*). 14 (*b*). 17 (*c*). 18 (*d*).

It appears from the analysis, that provisions exempting from punishment acts done in a course of duty, are all contained in the 5 Eliz. c. 14. It has appeared, likewise from the premises, that this statute is to a certain extent still in force. To the same extent, therefore, are provisions exempting from punishment acts done in a course of duty still in force.

4° *The Saving of the Rights and Privileges of third Persons*—9 (*a*.) 10. (*b*.).

It appears from the analysis, that provisions saving the rights and privileges of third persons, are all contained in the 5 Eliz. c. 14. It has appeared, likewise, from the premises, that this statute is to a certain extent still in force. To the same extent, therefore, are provisions saving the rights and privileges of a third person still in force.

5° *The Remedy of the Party grieved, and Matters connected therewith*—2 (*a*). 4 (*b*). 5 (*c*). 7 (*d*).

It appears from the analysis, that provisions relative to the remedy of the party grieved, and matters connected therewith, are all contained in the 5 Eliz. c. 14. And though it has appeared from the premises, that subsequent enactments have merged, for the most part, the penal provisions of that statute; yet nothing has appeared to shew that the remedy of the party grieved has, by their operation, been at all effected. The remedy of the party grieved, therefore, and matters connected therewith, under the 5 Eliz. c. 14, remain in full force.

6° *The Repeal of former Enactments*—13 (*a*).

It appears from the analysis, that the clause repealing former enactments is contained in 5 Eliz. c. 14. And though it has appeared from the premises, that subsequent enactments have merged, for the most part, the penal provisions of that statute; yet nothing has appeared to shew that the repeal clause has, by their operation, been at all affected. This clause, therefore, remains in full force.

Secondly, in relation to *Foreign Securities*—28 (*a*). 29 (*b*). 30 (*c*). 31 (*d*).

Since Provisions relating to Foreign Securities are all contained in one and the same statute, there is no room to consider, in relation to these, what influence subsequent enactments have had upon antecedent enactments.

Notes to 2°.

(*a*) 5 Eliz. c. 14. s. 5.
(*b*) 5 Eliz. c. 14. s. 7.
(*c*) 5 Eliz. c. 14. s. 10.
(*d*) 5 Eliz. c. 14. s. 13.
(*e*) 5 Eliz. c. 14. s. 14.
(*f*) 45 G. 3. c. 89. s. 8.

Notes to 3°.

(*a*) 5 Eliz. c. 14. s. 9.
(*b*) 5 Eliz. c. 14. s. 12.
(*c*) 5 Eliz. c. 14. s. 15.
(*d*) 5 Eliz. c. 14. s. 16.

Notes to 4°.

(*a*) 5 Eliz. c. 14. s. 7.
(*b*) 5 Eliz. c. 14. s. 8.

Notes to 5°.

(*a*) 5 Eliz. c. 14. s. 2.
(*b*) 5 Eliz. c. 14. s. 3.
(*c*) 5 Eliz. c. 14. s. 4.
(*d*) 5 Eliz. c. 14. s. 6.

Notes to 6°.

(*a*) 5 Eliz. c. 14. s. 11.

Notes to Foreign Securities.

(*a*) 43 G. 3. c. 139. s. 1.
(*b*) 43 G. 3. c. 139. s. 2.
(*c*) 43 G. 3. c. 139. s. 4.
(*d*) 43 G. 3. c. 139. s. 5.

Thirdly, in relation to *Personation.*

1° *General Provisions*—19 (*a*). 20 (*b*). 21 (*c*).

Since the General Provisions relating to Personation are all contained in one and the same statute, there is no room to consider, in relation to these, what influence subsequent enactments have had upon antecedent enactments.

2° *Particular Provisions*—22 (*d*). 27 (*e*).

4 W. & M. c. 4. s. 4.

[4 W. & M. c. 4. s. 4.]—Any person or persons who shall, before any person or persons impowered by virtue of this act, as aforesaid, to take[1] bail or bails[2], represent or personate any other person or persons, whereby the person or persons so represented[3] and[4] personated may be liable to the payment of any sum or sums of money for debt or damages to be recovered in the same suit or action, wherein such person or persons[5] are[6] represented[7] and[8] personated, as if[9] they[10] had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed, and taken to be[11] felons[12], and suffer the pains of death, and incur such forfeitures and penalties as felons in other cases convicted or attainted do by the law of England lose and forfeit[13].

27 G. 3. c. 43. s. 4.

[27 G. 3. c. 43. s. 4.]—Any person or persons who shall, before any person or persons, impowered by virtue of this act, as aforesaid, to take[1] special bail or bails[2], represent or personate any other person or persons, whereby the person or persons so represented[3] or[4] personated may be liable to the payment of any sum or sums of money for debt or damages, to be recovered in the same suit or action wherein such person or persons[5] is or are[6] represented[7] or[8] personated, as if[9] he she or they[10] had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed and taken to be[11] a felon or felons[12], and shall suffer and incur the same pains, penalties, and forfeitures, as persons convicted of the like offences are liable to, by virtue of an act passed in the fourth year of the reign of King William and Queen Mary, intituled, 'An Act for taking special bails in the country, upon actions and suits depending in the courts of King's Bench, Common Pleas, and Exchequer, at Westminster[13].'

Its influence upon 4 W. & M. c. 4. s. 4.

It appears from the notes to 27 G. 3. c. 43. s. 4, that its phraseology is substantially the same as the phraseology of the 4 W. & M. c. 4. s. 4. Hence, though these two enactments relate to distinct jurisdictions, and one therefore can have no influence upon the other, yet may a single enactment be made to serve for both.

SECTION V.

The Enactments, now in force, Consolidated.

HAVING shewn what influence subsequent enactments have had upon antecedent enactments, and thereby ascertained what provisions are now in force, what remains is, to recite these provisions at large, and in a consolidated form.

45 G. 3. c. 89. s. 1, 8.

1. If any person or persons shall falsely make, forge, counterfeit or alter, or cause or procure to be falsely made, forged, counterfeited or altered, or willingly act

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Notes to 1°.

(*a*) 21 Jac. 1. c. 26. s. 2.
(*b*) 21 Jac. 1. c. 26. s. 2.
(*c*) 21 Jac. 1. c. 26. s. 3.

Notes to 2°.

(*d*) 4 W. & M. c. 4. s. 4.
(*e*) 27 G. 3. c. 43. s. 4.

Notes to 27 G. 3. c. 43. s. 4.

[1] Same as [1] in 4 W. & M.
[2] The word 'special' is omitted in 4 W. & M.
[3] Same as [3] in 4 W. & M.
[4] 'And' is the word in 4 W. & M.
[5] Same as [5] in 4 W. & M.
[6] 'Is or' are omitted in 4 W. & M.
[7] Same as [7] in 4 W. & M.
[8] 'And' is the word in 4 W. & M.
[9] Same as [9] in 4 W. & M.
[10] 'He she or' are omitted in 4 W. & M.
[11] Same as [11] in 4 W. & M.
[12] 'A felon or' are omitted in 4 W. & M.
[13] The same as [13] in 4 W. & M.

act or assist in the false making, forging, counterfeiting or altering, any deed will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange, or promissory note for payment of money, acceptance of any bill of exchange or any acquittance or receipt, either for money or goods, or any accountable receipt for any note, bill, or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever, or shall offer, dispose of, or put away any false, forged, counterfeited or altered deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange, or promissory note for payment of money, acceptance of any bill of exchange acquittance or receipt, either for money or goods, accountable receipt for any note, bill, or other security for payment of money, warrant or order for payment of money or delivery of goods, with intention to defraud any person or persons, body or bodies politic or corporate, knowing the same to be false, forged, counterfeited or altered, then every person or persons so offending, and being thereof lawfully convicted, according to the due course of law, shalll be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy: this provision shall extend, and be demed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain.

2. If, in any case to which the preceding paragraph is not applicable, any person or persons whatsoever, upon his or their own head and imagination, or by false conspiracy and fraud with others, shall wittingly, subtilly, and falsely forge or make, or subtilly cause, or wittingly assent to be forged or made, any false charter, writing sealed, or court roll; or if any person or persons whatsoever, from any motive other than a fraudulent intention, shall, of his or their own head and imagination, or by false conspiracy with others, wittingly, subtilly, and falsely forge or make, or subtilly cause, or wittingly assent to be forged or made, any false deed, charter, or writing sealed, court roll, or the will of any person or persons in writing, to the intent that the state of freehold or inheritance of any person or persons, of, in, or to any lands, tenements or hereditaments, freehold or copyhold, or the right, title, or interest of any person or persons, of, in, or to the same, or any of them, shall or may be molested, troubled, defeated, recovered or charged; or shall pronounce, publish or shew forth in evidence, any such false and forged deed, charter, writing, court roll, or will, as true, knowing the same to be false and forged as is aforesaid, to the intent above remembered, and shall be thereof convicted, either upon action or actions of forger of false deeds, to be founded upon this statute, at the suit of the party grieved, or otherwise according to the order and due course of the laws of this realm, shall be set [upon the pillory]* in some open market town, and there to have both his ears cut off, and also his nostrils to be slit and cut, and seared with a hot iron, so as they may remain for a perpetual note or mark of his falsehood; and shall forfeit to the king our sovereign lord, his heirs and successors, the whole issues and profits of his lands and tenements during his life, and also shall suffer and have perpetual imprisonment during his life.

Divisions 6, 7, 8. of 5 Eliz. c. 14. s. 2; and the entire section limited to any evil intention not fraudulent.

3. If, in any case to which the first paragraph is not applicable, any person or persons upon his or their own head or imagination, or by false conspiration or fraud had with any other, shall wittingly, subtilly, and falsely forge or make, or wittingly, subtilly, and falsely cause or assent to be made and forged any false charter or writing to the intent that any person shall or may have, or claim any estate or interest for term of years, of, in, or to any manors, lands, tenements or hereditaments,

Divisions 5. 7. 14. of 5 Eliz. c. 14. s. 3; and the entire section, limited to any evil intention not fraudulent.

* Vide 56 G. 3. c. 138. s. 1.

hereditaments, not being copyhold, or any annuity in fee simple, fee tail, or for term of life, lives, or years; or shall, as is aforesaid, forge, make, or cause or assent to be made or forged any acquittance, release or other discharge of any debt, accompt, action, suit, demand, or other things personal; or if any person or persons shall pronounce, publish or give in evidence, any such false and forged charter, writing, acquittance, release or discharge, as true, knowing the same to be false and forged; or if, in any case to which the first paragraph is not applicable, any person or persons, from any motive other than a fraudulent intention, upon his or their own head or imagination, or by false conspiration had with any other, shall wittingly, subtilly and falsely forge or make, or wittingly, subtilly and falsely cause or assent to be made and forged, any false charter, deed or writing, to the intent that any person shall or may have or claim any estate or interest for term of years, of, in, or to any manors, lands, tenements or hereditaments, not being copyhold, or any annuity in fee simple, fee tail, or for term of life, lives or years; or shall, as is aforesaid, forge, make, or cause or assent to be made or forged, any obligation, or bill obligatory, or any acquittance release, or other discharge of any debt, accompt, action, suit, demand, or other things personal; or if any person or persons shall pronounce, publish, or give in evidence, any such false and forged charter, deed, writing, obligation, bill obligatory, acquittance, release or discharge, as true, knowing the same to be false and forged, and shall be thereof convicted by any the ways or means in the preceding paragraph aforesaid; that then he shall be set [upon the pillory]* in some open market town or other open place, and there to have one of his ears cut off, and shall also have and suffer imprisonment by the space of one whole year, without bail or mainprize.

5 Eliz. c. 14. s. 4.

4. The party and parties grieved by reason of any the offences in the second and third paragraphs aforesaid, shall and may, at his and their pleasure, have and sue his action of forger or false deeds upon this statute, against any the offenders in the same, by original writ out of the king's highness court of Chancery, and shall and may have like process upon the same as in cases of trespass at the common law; or may at his pleasure take his suit against any such offenders in any the premises by bill before the king's highness, his heirs and successors, in his court commonly called the King's Bench, or in the court of the Exchequer; in which suits no essoin, injunction or protection shall be allowed for the party defendant.

5 Eliz. c. 14. s. 5.

5. If the party defendant shall be convicted for any the offences in the second and third paragraphs aforesaid, according to the order and form above limited, and shall have received thereupon punishment corporal according to this act, that then he shall not eftsoons be impeached for the same offence.

5 Eliz. c. 14. s. 6.

6. Although the party or parties plaintiff in any such action or bill to be sued as is aforesaid, shall, after verdict passed against the defendant or defendants, happen to release or discharge the judgment or execution upon the same, or otherwise suffer the same to be discontinued; that yet, nevertheless, the same release, discharge or discontinuance shall extend only to discharge such costs and damages as the same plaintiff should have had against the defendant; and that the judges before whom the said action or suit shall be taken, shall and may proceed to judgment of and upon the residue of the said penalties and forfeitures, and to command execution upon the same; the said release, discontinuance or other discharge had, made, done or suffered by the party plaintiff, in anywise notwithstanding; this act or any thing therein contained to the contrary in anywise notwithstanding.

5 Eliz. c. 14. s. 7.

7. If any person or persons being hereafter convicted or condemned of any the offences in the second and third paragraphs aforesaid, by any the ways or means

* Vide 56 G. 3. c. 138. s. 1.

means above limited, shall, after any such his or their conviction or condemnation, eftsoons commit or perpetrate any of the said offences in form aforesaid, that then every such second offence or offences shall be adjudged felony; and the parties being thereof convicted or attainted according to the laws of this realm, shall suffer such pains of death, loss and forfeiture of their goods, chattels, lands and tenements, as in cases of felony by the common laws of this realm ought to be lost or forfeited, without having any advantage or benefit of clergy or sanctuary; saving to every person and persons, bodies politick and corporate, their heirs and successors, other than the said offenders, and such as claim to their uses, all such rights, titles, interests, possessions, liberties of distresses, leases, rents, reversions, offices, and other profits and advantages, which they or any of them shall have at the time of such conviction or attainder, of, in, or to any the lands, tenements or hereditaments of any such person so as is aforesaid convicted or attainted, or at any time before, in as large and as ample manner, to all intents and purposes as if this act had never been made.

8. Any such conviction or attainder of felony as in the second and third paragraphs is aforesaid, or any forfeiture by reason of the same, shall not in anywise extend to take away the dower of the wife of any such person attainted, nor to the corruption of blood, or disherison of any the heir or heirs of any such person or persons so attainted; this act, or any thing therein contained, or any other statute, law, usage, custom, or thing heretofore used, to the contrary in anywise notwithstanding. 5 Eliz. c. 14. s. 8.

9. This act, or any thing therein contained, shall not extend to charge any ordinary or any their commissaries, officials, registers, or any other their officers or ministers, with any the offences in the second and third paragraphs aforesaid, for putting their seal of office to any will to be exhibited unto them, not knowing the same to be false or forged, or for writing of the said will or probate of the same; this act, or any thing therein contained, to the contrary, notwithstanding. 5 Eliz. c. 14. s. 9.

10. All and every justices of oyer and determiner, and justices of assize in their circuits, and every of them, shall have full power and authority, in every of their open and general sessions, to inquire, hear and determine of all and every the offences in the second and third paragraphs aforesaid, committed or done within the limits of their commission, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof. 5 Eliz. c. 14. s. 10.

11. All other statutes antecedent to the 5th of Elizabeth, chap. 14, made and provided for forgery of false deeds, charters, muniments or writings, and all and every penalty appointed by the same, shall be void and of none effect in the law; any such statute, or thing therein contained, to the contrary in anywise notwithstanding. 5 Eliz. c. 14. s. 11.

12. The second and third paragraphs, or any thing therein contained, shall not extend or be hurtful in anywise to any proctor, advocate or register of any ecclesiastical court within this realm, for the writing, setting forth or pleading of any proxy made according to the ecclesiastical laws or customs heretofore used and allowed by the ecclesiastical courts of this realm, for the appearance of any person or persons being cited to appear in any of the said courts ecclesiastical, nor to any archdeacon or official, for putting their authentic seal to the said proxy or proxies, neither yet to any judge ecclesiastical for admitting of the same; but that they and every of them may hereafter do in all points concerning the same, as they and every of them might lawfully have done before the making of this act; any thing in this act to the contrary in anywise notwithstanding. 5 Eliz. c. 14. s. 12.

13. The second and third paragraphs, or any pain, forfeiture or thing therein contained, shall not extend to any attorney, lawyer or counsellor that shall for his 5 Eliz. c. 14. s. 15.

his client plead, shew forth, or give in evidence any false and forged deed, charter, will, court roll, or other writing, for true or good, being not party or privy to the forging of the same, for the pleading, shewing forth, or giving in evidence of the same; any thing in this act to the contrary notwithstanding.

5 Eliz. c. 14. s. 16.

14. The second and third paragraphs, or any thing therein contained, shall not extend to any person or persons that shall plead or shew forth any deed or writing exemplified under the great seal of England, or under the seal of any other authentic court of this realm; nor shall extend to any judge or justice, or other person, that shall cause any seal of any court to be set to any such deed, charter or writing enrolled, not knowing the same to be false or forged; any thing in this act to the contrary notwithstanding.

43 G. 3. c. 139. s. 1.

15. If any person shall, within any part of the United Kingdom of Great Britain and Ireland, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or knowingly aid or assist in the false making, forging, or counterfeiting, any bill of exchange, or any promissory note, undertaking or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking or order for the payment of money, of any foreign prince, state or country whatsoever, or of any minister or officer entrusted by or employed in the service of any foreign prince, state or country, or of any person, or company of persons, resident in any foreign state or country, or of any body corporate and politic,† *and* body in the nature of a body corporate and politic, created or constituted by any foreign prince or state, with intent to deceive or defraud His Majesty, his heirs, and successors, or any such foreign prince, state, or country, or with intent to deceive or defraud any person or company of persons whomsoever, or any body corporate and politic, or body in the nature of a body corporate and politic whatsoever, whether the same be respectively resident, carrying on business, constituted or being in any part of the United Kingdom, or in any foreign state or country; and whether such bill of exchange, promissory note, or order be in the English language, or in any foreign language or languages, or partly in one and partly in the other; or if any person shall, within any part of the said United Kingdom, tender in payment or in exchange, or otherwise utter or publish as true, any such false, forged, or counterfeited bill of exchange, promissory note, undertaking or order, knowing the same to be false, forged, or counterfeited, with intent to deceive or defraud His Majesty, his heirs and successors, or any foreign prince, state or country, or any person or company of persons, or any body corporate and politic, or body in the nature of a body politic or corporate as aforesaid; then every person so offending shall be deemed and taken to be guilty of felony, and, being thereof lawfully convicted, shall be transported for any term of years not exceeding fourteen years.

† Qu. *or*.

43 G. 3. c. 139. s. 2.

16. No person shall, within any part of the United Kingdom of Great Britain and Ireland, engrave, cut, etch, scrape, or by any other means or device make, or knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making, in or upon any plate whatsoever, any bill of exchange, or any promissory note, or undertaking or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking or order of any foreign prince, state, or country, or of any minister or officer entrusted by or employed in the service of any foreign prince, state, or country, or of any person or company of persons resident or being in any foreign state or country, or of any body corporate and politic, or body in the nature of a body corporate and politic, or constituted by any foreign prince or state, or any part of any such bill of exchange, promissory note, undertaking, or order, without an authority in writing for that purpose from such foreign prince, state, or country minister or officer, person, company of persons, or body corporate and politic, or body in the nature of a body corporate and politic, or from some person duly authorized

authorized to give such authority; or shall, within any part of the said United Kingdom, without such authority as aforesaid, by means of any such plate, or by any other device or means, make or print any such foreign bill of exchange, promissory note, undertaking, or order for the payment of money, or any part thereof; or knowingly, wilfully, and without lawful excuse, (the proof whereof shall lie upon the party accused,) have in his or her custody any such plate or device, or any impression taken from the same: And if any person shall offend in any of the cases aforesaid, he shall be deemed and taken to be guilty of a misdemeanor and breach of the peace, and, being thereof convicted according to law, shall be liable for the first offence to be imprisoned for any time not exceeding six months, or to be fined, or to be publicly or privately whipped, or to suffer one or more of the said punishments; and, for the second offence, to be transported to any of His Majesty's colonies or plantations, for the term of fourteen years. Provided, that nothing in this paragraph or in the preceding paragraph contained, shall extend or be construed to extend, in any manner whatsoever, to repeal or alter any law or statute now in force for the prevention and punishment of the crime of forgery, in any respect whatsoever, within any part of the said United Kingdom.

17. All and every person or persons, which shall acknowledge or procure to be acknowledged, any fine or fines, recovery or recoveries, deed or deeds inrolled, statute or statutes, recognizance or recognizances, bail or bails, judgment or judgments, in the name or names of any other person or persons not privy or consenting to the same, and being thereof lawfully convicted or attainted, shall be adjudged, esteemed, and taken to be felons; and suffer the pains of death, and incur such forfeitures and penalties as felons in other cases convicted or attainted do by the laws of England lose and forfeit, without the benefit or privilege of clergy to be allowed to any such offender or offenders: Provided, that such attainder shall not be any corruption of blood, nor loss of dower to the wife, but the next heir shall have the lands whereof such person attainted died seised, and such wife her dower, as if no such attainder had been had. 21 Jac. 1. c. 26. s. 2.

18. Any person or persons who shall, before any person or persons empowered by virtue of the 4 W. & M. c. 4, or 27 G. 3. c. 43, as in those acts mentioned, to take bail or bails, represent or personate any other person or persons, whereby the person or persons so represented and personated may be liable to the payment of any sum or sums of money for debt or damages, to be recovered in the same suit or action, wherein such person or persons are represented and personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed, and taken to be felons, and suffer the pains of death, and incur such forfeitures and penalties as felons in other cases convicted or attainted do by the law of England lose and forfeit. 4 W. & M. c. 4. s. 4; 27 G. 3. c. 43. s. 4.

THE CONSOLIDATING PROCESS OF THE BANK ENACTMENTS.

SECTION I.

Enumeration.

THE Bank Enactments relating to Forgery are contained in—8 & 9 W. 3. c. 20. s. 36; 11 G. 1. c. 9. s. 6; 15 G. 2. c. 13. s. 11; 13 G. 3. c. 79; 41 G. 3. (U. K.) c. 39; 45 G. 3. c. 89. s. 2. s. 3. s. 4. s. 5. s. 6. s. 7. s. 8; 52 G. 3. c. 138. s. 5; 1 G. 4. c. 92. s. 1. s. 2.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are related to each other.

8 & 9 W. 3. c. 20. s. 36 (*b*).

1. DEATH (*a*), sans clergy, for forging the bank common seal, or any sealed bank bill, or any bank note; and for altering or raising any indorsement on any bank bill or note. 8 & 9 W. 3. c. 20. s. 36 (*c*).

11 G. 1. c. 9. s. 6 (*e*).

2. Death (*d*) for forging any bank bill or any bank note; and for erasing any such bill or note, or any indorsement thereupon; and for uttering any such forged or erased bill, note or indorsement; and for demanding to have the same exchanged for ready money. 11 G. 1. c. 9. s. 6 (*f*).

15 G. 2. c. 13. s. 11 (*h*).

3. Death (*g*), sans clergy, for forging any bank note, bank bill of exchange, dividend warrant, bond or obligation under the bank seal, or indorsement thereon; and for uttering any such forged note, bill, dividend warrant, bond or obligation, or the indorsement thereon; and for demanding the contents. 15 G. 2. c. 13. s. 11 (*i*).

13 G. 3. c. 79. s. 1 (*l*).

4. Death (*k*), sans clergy, for making, using or having in possession any frame mould or instrument for the making of paper of a certain description; and for making paper of a certain description; and for making certain words appear visible in the substance of any paper. 13 G. 3. c. 79. s. 1.

13 G. 3. c. 79. s. 2.

5. Imprisonment (*m*), for not exceeding six months, for engraving any note or bill,

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(*a*) The former part of this section recites thus: 'And whereas of late divers frauds and cheats have been put upon the governor and company of the Bank of England, by the altering, forging and counterfeiting of the bank bills and bank notes of the said governor and company, and by the rasing and altering indorsements thereupon, to the great decay of credit;' for redressing the same for the future, be it enacted—

(*b*) The title of the Act is—An Act for making good the deficiencies of several funds therein mentioned; and for enlarging the capital stock of the Bank of England; and for raising the public credit.

(*c*) The other clauses of the Act have no relation to the subject of forgery.

(*d*) The former part of this section recites thus: 'And whereas of late divers frauds and deceits have been put upon the said governor and company of the Bank of England, and other persons, by the altering, forging and counterfeiting of the bank bills and bank notes of the said governor and company, and by the erasing and altering the said bills and notes, and the indorsements thereupon; and by the tendering in payment, uttering, vending, exchanging and bartering, of such altered, forged, counterfeited and erased bills and notes, and the indorsements thereupon, to the prejudice of public credit, and to the great hurt and diminution of trade and commerce;' for redressing whereof for the future, be it enacted—

(*e*) The title of the Act is—An Act for continuing the several annuities of eighty-eight thousand seven hundred fifty-one pounds seven shillings and ten pence half-penny, and one hundred thousand pounds to the Bank of England, until Midsummer one thousand seven hundred twenty-seven; and from thence, for reducing the same to seventy-one thousand and one pounds two shillings and three pence three farthings, and eighty thousand pounds redeemable by parliament; and for preventing the uttering of forged, counterfeited or erased bank bills or notes.

(*f*) The other clauses of the Act have no relation to the subject of forgery.

(*g*) This section has no recital.

(*h*) The title of the Act is—An Act for establishing an agreement with the governor and company of the Bank of England, for advancing the sum of one million six hundred thousand pounds, towards the supply for the service of the year one thousand seven hundred and forty-two.

(*i*) The other clauses of the Act have no relation to the subject of forgery.

(*k*) The former part of this section recites: 'Whereas frauds have lately been committed by forging the notes and bills of the governor and company of the Bank of England, notwithstanding the statutes now in force for punishing and suppressing the same;' for the more effectual preventing such practices, be it enacted—

(*l*) The title of the Act is—An Act for the more effectual preventing the forging of the notes or bills of the governor and company of the Bank of England; and for the preventing the obtaining a false credit, by the imitation of the notes or bills of the said governor and company.

(*m*) The former part of this section recites:

bill, blank note or bill, part of a note or bill, containing certain words in white letters or figures on a black ground; and for using such engraving; and for having in possession such engraving; and for uttering such note or bill, blank note or bill. 13 G. 3. c. 79. s. 2.

6. What utterings shall be exempted from the operations of this act. 13. G. 3. c. 79. s. 3 (*n*). — 13 G. 3. c. 79. s. 3.

7. Felony (*o*), with fourteen years transportation, for making, using or having in possession any frame, mould or instrument for the making of paper of a certain description; and for making, using, uttering, or having in possession paper of a certain description; and for making certain words appear visible in the substance of certain paper. 41 G. 3. (U. K.) c. 39. s. 1. — 41 G. 3. (U. K.) c. 39. s. 1 (*p*).

8. Exemption (*q*) of certain acts from the operation of this statute. 41 G. 3. (U. K.) c. 39. s. 2. — 41 G. 3. (U. K.) c. 39. s. 2.

9. Exemption (*q*) of certain acts from the operation of this statute. 41 G. 3. (U. K.) c. 39. s. 3. — 41 G. 3. (U. K.) c. 39. s. 3.

10. Exemption (*q*) of certain acts from the operation of this statute. 41 G. 3. (U. K.) c. 39. s. 4. — 41 G. 3. (U. K.) c. 39. s. 4.

11. Felony (*q*) with fourteen years transportation, for purchasing or receiving any forged bank note, bill, blank note or bill; and for having in possession the same. 41 G. 3. (U. K.) c. 39. s. 5. — 41 G. 3. (U. K.) c. 39. s. 5.

12. Felony (*r*) with seven years transportation, for engraving any bank note or bill, blank bank note or bill, part of a bank note or bill; and for using such engraving or other instrument for making the same; and for having such engraving or instrument in possession; and for uttering such note or bill, blank note or bill, or part of such note or bill. 41 G. 3. (U. K.) c. 39. s. 6 (*s*). — 41 G. 3. (U. K.) c. 39. s. 6.

13. Death (*t*), sans clergy, for forging any bank note, bill, dividend, warrant or bond, — 45 G. 3. c. 89. s. 2 (*u*).

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cites: 'And whereas unwary and other persons have taken in payment and otherwise received notes, inland bills, and bills of exchange, with certain words and characters so nearly resembling the notes and bills of the said governor and company, as to appear to such persons to be the notes or bills of the Bank of England, which, if continued to be done, will be to the great prejudice of public credit;' be it therefore enacted—

(*n*) The Act contains no other provisions.

(*o*) The former part of this section recites: 'Whereas the forgery of bank notes, bank bills of exchange, and bank post bills, hath of late very much increased in this kingdom; and as well for the prevention thereof, as also to facilitate the detection of the same, the governor and company of the Bank of England have procured to be made, for the purpose of being used in the future issue of bank notes, bank bills of exchange, and bank post bills, a new paper of a different manufacture from that formerly used either by the said governor and company, or any other person or persons in this kingdom, in the issue of promissory notes or bills of exchange; in which new paper, instead of the bar lines being straight and parallel to each other, as in the paper heretofore used, the same are curved or waiving, and the laying wire lines are also formed in a waived or curved shape, and the numerical amount or sum of each bank note, bank bill of exchange, and bank post bill, expressed in a word or words, in Roman letters, is made to appear visible in the substance of the paper: And whereas it is expedient, for the better prevention of the forgery of bank notes, bank bills of exchange, and bank post bills, that the said governor and company should have the exclusive privilege and authority of using, in the issue of their notes and bills, the paper hereinbefore described;' be it therefore enacted—

(*p*) The title of the Act is—An Act for the more effectually preventing the forgery of bank notes, bank bills of exchange, and bank post bills.

(*q*) These sections have no recitals.

(*r*) The former part of this section recites: 'And whereas the laws now in force do not inflict a sufficient punishment upon offenders concerned in engraving plates, and printing blank forms for bank notes, bank bills of exchange, and bank post bills, for the purpose of being made use of in perpetrating the crime of forgery;' for remedy whereof, be it therefore enacted—

(*s*) The act contains no other provisions.

(*t*) The first section relates to the forgery of writings in general.

(*u*) The title of the Act is—An Act to alter and extend the provisions of the laws now

bond, or indorsement thereon; and for uttering the same when forged; and for demanding the contents thereof. 45 G. 3. c. 89. s. 2.

45 G. 3. c. 89, s. 3.

14. Felony, with fourteen years transportation, for making, using, or having in possession any frame, mould or instrument for the making of paper of a certain description; and for making, using, uttering, or having in possession paper of a certain description; and for making certain words appear visible in the substance of certain paper. 45 G. 3. c. 89. s. 3.

45 G. 3. c. 89. s. 4.

15. Exemption of certain acts from the operation of this statute. 45 G. 3. c. 89. s. 4.

45 G. 3. c. 89. s. 5.

16. Exemption of certain acts from the operation of this statute. 45 G. 3. c. 89. s. 5.

45 G. 3. c. 89. s. 6.

17. Felony, with fourteen years transportation, for purchasing or receiving any forged bank note, bill, blank note or bill; and for having in possession the same. 45 G. 3. c. 89. s. 6.

45 G. 3. c. 89. s. 7.

18. Felony, with fourteen years transportation, for engraving any bank note or bill, blank bank note or bill, part of a bank note or bill; and for using such engraving or other instrument for making the same; and for having such engraving or instrument in possession; and for uttering such note or bill, blank note or bill, or part of such note or bill. 45 G. 3. 89. s. 7.

45 G. 3. c. 89. s. 8.

19. This act shall extend to every part of Great Britain. 45 G. 3. c. 89. s 8 (*v*).

52 G. 3. c. 138. s. 5 (*x*).

20. Felony (*w*), with fourteen years transportation, for engraving certain words, figures or characters; and for using such engraving or other instrument for producing an impression thereof; and for having such engraving or instrument in possession; and for uttering paper containing such words, figures or characters; and for having in possession paper containing such words, figures or characters. 52 G. 3. c. 138. s. 5 (*y*).

1 G. 4. c. 92. s. 1 (*aa*).

21. Felony (*z*), with fourteen years transportation, for engraving the whole or part of a bank note or blank bank note of a certain description; and for using such engraving or other instrument for producing the same; and for having in possession such engraving or instrument; and for uttering such blank bank note or part of such note. 1 G. 4. c. 92. s. 1.

1 G. 4. c. 92. s. 2.

22. Felony (*ab*), with fourteen years transportation, for engraving certain devices; and for using such engraving or other instrument for producing such devices;

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now in force for the punishment of the forgery of bank notes, bills of exchange, and other securities, to every part of Great Britain.

(*v*) The Act contains no other provisions.

(*w*) The former part of this section recites: 'And whereas divers frauds have been practised by making and publishing papers with certain words and characters so nearly resembling the notes and bills of the governor and company of the Bank of England, as to appear to ignorant and unwary persons to be the notes or bills of the said governor and company;' for the prevention whereof, be it enacted—

(*x*) The title of the Act is—An Act for the further prevention of the counterfeiting of silver tokens issued by the governor and company of the Bank of England, called dollars, and of silver pieces issued and circulated by the said governor and company, called tokens; and for the further prevention of frauds practised by the imitation of the notes or bills of the said governor and company.

(*y*) The other previous clauses of the Act relate to the counterfeiting of dollars and tokens. The remaining clause (sect. 6) exempts from the penalties of the fifth section, certain paper in the possession of others previous to passing the Act.

(*z*) The recital contained in a former part of this section is given infra, p. 281.

(*aa*) The title of the Act is—An Act for the further prevention of forging and counterfeiting of bank notes.

(*ab*) The former part of this section recites: 'And whereas divers frauds have been practised by making and publishing papers with certain words aud characters so nearly resembling the notes of the governor and company of the Bank of England as to appear, to ignorant and unwary persons, to be the notes of the said governor and company; and it is necessary for the security of the public, that such practices as applied to the notes of the said governor and company of the description aforesaid, should be prevented;' be it therefore enacted—

devices; and for having in possession such engraving or instrument; and for uttering paper containing such devices; and for having in possession paper containing such devices. 1 G. 4. c. 92. s. 2 (*ac*).

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are related to each other, into Juxta Positio.

THE Enactments having been analyzed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments in juxta position.

Principal Divisions.

It appears from the Analysis, that the Provisions under consideration all relate to the Denunciation of Offences; namely, Offences relating to, 1° *The Securities of the Bank;* 2° *The Tools for manufacturing Bank Paper and Securities, and to the Manufacture of Bank Paper itself;* 3° *The Exemption of certain actions from the operation of the Enactments;* 4° *Matters connected with the Denunciation of Offences.* And in this order, taking the number prefixed to each Placitum in the Analysis as the Representative of the Provision noticed in that Placitum, they are thus arranged:—

I. *Securities of the Bank,* 1. 2. 3. 11. 13. 17.

II. *Tools for manufacturing Bank Paper and Securities, and the Manufacture of Bank Paper itself,* 4. 5. 7. 12. 14. 18. 20. 21. 22.

III. *The Exemption of certain actions from the operation of the Enactments,* 6. 8. 9. 10. 15. 16.

IV. *Matters connected with the Denunciation of Offences,* 19.

Subordinate Divisions.

I. *As to the Securities of the Bank:*—It appears from the Analysis, that the provisions relating to the Securities of the Bank relate to, 1° *Forging, Erasing, Uttering, and Demanding*; 2° *Purchasing, Receiving, and Having in Possession:* Hence two *Subordinate Divisions* of *Arrangement.* And in this order, taking the Number prefixed to each Placitum in the Analysis as the Representative of the Provision noticed in that Placitum, they are thus subdivided:—

1° *Forging, Erasing, Uttering, and Demanding,* 1. 2. 3. 13.

2° *Purchasing, Receiving, and Having in Possession,* 11. 17.

II. *As to the Tools for manufacturing Bank Paper and Securities, and to the manufacture of Bank Paper itself:*—It appears from the Analysis, that the provisions relating to this subject are contained in separate enactments; one set relating to, 1° *The Tools for manufacturing Bank Paper, and to the manufacture of Bank Paper itself*; 2° The other set relating to, *The Tools for manufacturing Bank Securities:* Hence two *Subordinate Divisions* of *Arrangement.* And in this order, taking the Number prefixed to each Placitum in the Analysis as the Representative of the Provision noticed in that Placitum, they are thus subdivided:—

1° *The Tools for manufacturing Bank Paper, and the Manufacture of Bank Paper itself,* 4. 7. 14.

2° *The Tools for manufacturing Bank Securities,* 5. 12. 18. 20. 21. 22.

III. *As to the Exemption of certain Acts from the operation of the Enactments:*—Their influence upon each other must depend upon the reciprocal influence of those principal provisions upon which they are dependent: no subordinate arrangement, therefore, is requisite.

IV. *As to Matters connected with the Denunciation of Offences:*—For similar reasons to those just given, no subordinate arrangement is requisite.

(*ac*) The remaining clause (section 3.) of the act relates to the mode of signing genuine bank notes.

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

THE Arrangement being completed, and provisions having an affinity to each other being, through its agency, brought into juxta position, the next step is to ascertain what influence subsequent have had upon antecedent provisions.

And, *First*, in relation to the *Securities of the Bank:*

1° *Forging, Erasing, Uttering and Demanding*, 1 (*a*). 2 (*b*). 3 (*c*). 13 (*e*).

8 & 9 W. 3. c. 20. s. 36.

[8 & 9 W. 3. c. 20. s. 36.]—The forging or counterfeiting [1] the common seal of the said corporation of the governor and company [2], or of any sealed bank bill made or given out in the name of the said governor and company for the payment of any sum of money [3], or of any bank note of any sort whatsoever, signed for the said governor and company of the Bank of England [4], or the altering [5] or raising [6] any indorsement on any bank bill or note of any sort [7], shall be and is hereby declared and adjudged to be felony without benefit of clergy [8].

11 G. 1. c. 9. s. 6;

[11 G. 1. c. 9. s. 6.]—If any person or persons [1] shall alter, forge or counterfeit [2] any bank bill [3] or bank note made or given out for the payment of any sum of money by or for the said governor and company [4], or any bank note of any sort whatsoever [5]; or shall erase [6] or alter [7] any such bill [8] or note [9], or any indorsement thereupon [10]; or shall tender in payment, utter, vend, exchange or barter, any such altered, forged or counterfeited bill or note, or any erased or altered bill or note, or the indorsement thereupon [11]; or demand to have the same exchanged for ready money by the said governor and company or their successors, or any other person or persons [12], knowing such bill or note or the indorsement thereupon, so tendered or demanded to be exchanged, vended or bartered, to be altered, forged, counterfeited or erased [13], and with intention to defraud the said governor and company or their successors, or any other person or persons, body politic or corporate [14]; then every such person or persons so offending [15], being thereof lawfully convicted [16], shall be and is hereby declared and adjudged a felon, and shall suffer as in cases of felony [17].

Its influence upon 8 & 9 W. 3. c. 20. s. 36.

The influence of 11 G. 1. c. 9. s. 6. upon 8 & 9. W. 3. c. 20. s. 36. as shown by the notes to 11 G. 1. is this:—1° Where the offender's motive is other than fraudulent, the 8 & 9 W. 3, is in full force notwithstanding the 11 G. 1.—2° Since division 2. of 8 & 9 W. 3. has no corresponding division in 11 G. 1. the 8 & 9 W. 3. is, in regard to this division, in full force, notwithstanding the 11 G. 1.—3° In other respects it is impliedly repealed by 11 G. 1.

(*a*) 8 & 9 W. 3. c. 20. s. 36.
(*b*) 11 G. 1. c. 9. s. 6.
(*c*) 15 G. 2. c. 13. s. 11.
(*e*) 45 G. 3. c. 89. s. 2.

Notes to 11 *G.* 1. *c.* 9. *s.* 6.

[1] Implied by [1] in 8 & 9 W. 3.
[2] Equivalent to [2] in 8 & 9 W. 3.
[3] More extensive than [3] in 8 & 9 W. 3.
[4] & [5] Equivalent at least to [4] in 8 & 9 W. 3.
[6] Equivalent to [6] in 8 & 9 W. 3.
[7] Equivalent to [5] in 8 & 9 W. 3.
[8] Not in 8 & 9 W. 3.
[9] Not in 8 & 9 W. 3.
[10] Equivalent to [7] in 8 & 9 W. 3.
[11] Not in 8 & 9 W. 3.
[12] Not in 8 & 9 W. 3.
[13] Not in 8 & 9 W. 3.
[14] Since this enactment is confined to a fraudulent intention, and the 8 & 9 W. 3. does not define the motive, and therefore embraces every evil intention, the 8 & 9 W. 3. is, where the intention is other than fraudulent, not affected by 11 G. 1.
[15] Implied by [8] in 8 & 9 W. 3.
[16] Implied by [8] in 8 & 9 W. 3.
[17] Since the felony under this enactment is clergyable, and the felony under 8 & 9 W. 3. sans clergy, the latter enactment is impliedly repealed by the 11 G. 1. excepting in the cases where its provisions are more extensive; in the case, namely, marked [2] in 8 & 9 W. 3. and those mentioned in note [14] to the 11 G. 1.

[15 G. 2. c. 13. s. 11.]—If any person or persons[1] shall forge, counterfeit or alter[2], any bank note[3], bank bill of exchange[4], dividend warrant[5], or any bond or obligation under the common seal of the said company[6], or any indorsement thereon[7]; or shall offer, or dispose of or put away any such forged, counterfeit or altered note, bill, dividend warrant, bond or obligation, or the indorsement thereon[8]; or demand the money therein contained or pretended to be due thereon, or any part thereof, of the said company, or any their officers or servants[9], knowing such note, bill, dividend warrant, bond or obligation, or the indorsement thereon, to be forged, counterfeited or altered[10], with intent to defraud the said company or their successors, or any other person or persons whatsoever[11]; every person or persons so offending[12], and being thereof convicted in due form of law[13], shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy[14]. 15 G. 2. c. 13. s. 11;

It has appeared, that where the offender's motive is other than fraudulent, the 8 & 9 W. 3. c. 20. s. 36. is in full force, notwithstanding the 11 G. 1; and since the 15 G. 2. c. 13. s. 11. is confined to a fraudulent intention, it has no influence upon this branch of the 8 & 9. W. 3.—It has appeared, likewise, that division 2. of 8 & 9 W. 3. has no corresponding division in 11 G. 1. and that, therefore, the 8 & 9 W. 3. is, in this particular, not touched by the 11 G. 1; and since there is no corresponding division in 15 G. 2, that enactment has no influence upon division 2. of 8 & 9 W. 3. Its influence upon 8 & 9 W. 3. c. 20. s. 36;

The influence of 15 G. 2. upon 11 G. 1. as shown by the notes to 15 G. 2. is this:—1° Divisions 10. 12. and 14. in 11 G. 1. contain provisions more extensive than the 15 G. 2; pro tanto, therefore, the 11 G. 1. is still in force.—2° Division 6. of 11 G. 1. has no corresponding division in 15 G. 2; pro tanto, therefore, the 11 G. 1. is still in force.—3° In other respects it is impliedly repealed by 15 G. 2. And 11 G. 1. c. 9. s. 6.

[45 G. 3. c. 89. s. 2.]—If any person or persons[1] shall forge, counterfeit or alter[2] any bank note[3], bank bill of exchange[4], dividend warrant[5], or any bond or obligation under the common seal of the governor and company of the Bank of England[6], or any indorsement thereon[7], or shall offer, or dispose of or put away any such forged, counterfeit or altered note, bill, dividend warrant, bond or obligation, or the indorsement thereon[8], or demand the money therein contained, or pretended to be due thereon, or any part thereof, of the said company, or any their officers or servants[9], knowing such note, bill, dividend warrant, bond or obligation, or the indorsement thereon, to be forged, counterfeited or altered[10], with intent to defraud the said governor and company, or their successors, or any other person or persons, body or bodies politic or corporate whatsoever[11], every person or persons so offending[12], and being thereof 45 G. 3. c. 89. s. 2;

Notes to 15 *G.* 2. *c.* 13. *s.* 11.

[1] The same as [1] in 11 G. 1.
[2] The same as [2] and [7] in 11 G. 1.
[3] Equivalent to [4], [5] and [9] in 11 G. 1.
[4] Equivalent to [3] and [9] in 11 G. 1.
[5] Not in 11 G. 1.
[6] Not in 11 G. 1.
[7] More extensive than [10] in 11 G. 1: the expression in 11 G. 1. being '*alter* any indorsement:' in 15 G. 2. it is, '*forge, counterfeit or alter* any indorsement:' The expression in divisions [6] and [10] in 11 G. 1. '*erase* any indorsement,' has no corresponding phrase in 15 G. 2.
[8] Equivalent to, and semble more extensive than [11] in 11 G. 1.
[9] Less extensive than [13] in 11 G. 1. in this respect, that under that enactment a demand made to *any person* is denounced. More extensive than [12] in 11 G. 1. in this respect, that under the present enactment a demand of *part* of the contents is denounced.
[10] Equivalent to [13] in 11 G. 1.
[11] Less extensive than [14] in 11 G. 1. in this respect, that under that enactment an intention to defraud a *corporation* is denounced.
[12] Equivalent to [15] in 11 G. 1.
[13] Equivalent to [16] in 11 G. 1.
[14] Since the felony under this enactment is sans clergy, and the felony under the 11 G. 1. clergyable; the latter enactment is impliedly repealed by the 15 G. 2. excepting in the cases where its provisions are more extensive; in the cases, namely, mentioned in notes [7], [9] and [11] to the 15 G. 2.

Notes to 45 *G.* 3. *c.* 89. *s.* 2.

[1] The same as [1] in 15 G. 2.
[2] The same as [2] in 15 G. 2.
[3] The same as [3] in 15 G. 2.
[4] The same as [4] in 15 G. 2.
[5] The same as [5] in 15 G. 2.
[6] Equivalent to [6] in 15 G. 2.
[7] The same as [7] in 15 G. 2.
[8] The same as [8] in 15 G. 2.
[9] The same as [9] in 15 G. 2.
[10] The same as [10] in 15 G. 2.
[11] More extensive than [11] in 15 G. 2.
[12] The same as [12] in 15 G. 2.

thereof convicted in due form of law [13], shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy [14].

Its influence upon 8 & 9 W. 3. c. 20. s. 36;

It has appeared, that where the offender's motive is other than fraudulent, the 8 & 9. W. 3. c. 20. s. 36. is in full force, notwithstanding the 11 G. 1. and 15 G. 2; and since the 45 G. 3. c. 89. s. 2. is confined to a fraudulent intention, it has no influence upon this branch of the 8 & 9 W. 3.—It has appeared, likewise, that division 2. of 8 & 9 W. 3. has no corresponding division in 11 G. 1. and 15 G. 2; and since there is no corresponding division in 45 G. 3, that enactment has no influence upon division 2. of 8 & 9 W. 3.

11 G. 1. c. 9. s. 6;

It has appeared, that divisions 12. and 14. in 11 G. 1. are, to a certain extent, in force, notwithstanding the 15 G. 2; and since the 45 G. 3. has no provision so extensive as division 12 in 11 G. 1., that enactment is in full force for the excess, notwithstanding the 45 G. 3; but since division 11. in 45 G. 3. is similar to division 14 in 11 G. 1. that division is repealed by 45 G. 3.—It has appeared, likewise, that divisions 6. and 10. in 11 G. 1. have no corresponding divisions in 15 G. 2; and since there are no corresponding divisions in 45 G. 3., that enactment has no influence upon divisions 6. and 10. of 11 G. 1.

And 15 G. 2. c. 13. s. 11.

The influence of 45 G. 3. upon 15 G. 2., as shewn by the notes to 45 G. 3., is, that it altogether repeals it.

2° *Purchasing, Receiving, and Having in Possession.*—11 (*a*). 17 (*b*).

41 G. 3. (U. K.) c. 39. s. 5.

[41 G. 3. (U. K.) c. 39. s. 5.]—If any person or persons [1] shall purchase or receive from any other person or persons [2] any forged or counterfeited [3] bank note [4], bank bill of exchange [5], bank post bill [6], or blank bank note [7], blank bank bill of exchange [8], or blank bank post bill [9], knowing the same to be forged or counterfeited [10], or shall knowingly or wittingly have in his her or their possession or custody, or in his her or their dwelling-house, outhouse, lodgings or apartments, any forged or counterfeited bank note, bank bill of exchange, bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill [11], knowing the same to be forged or counterfeited [12], without lawful excuse, the proof whereof shall lie upon the person accused [13], every person or persons so offending [14], and being thereof convicted according to law [15], shall be adjudged a felon, and shall be transported for the term of fourteen years [16].

45 G. 3. c. 89. s. 6;

[45 G. 3. c. 89. s. 6.]—If any person or persons [1] shall purchase or receive from any other person or persons [2] any forged or counterfeited [3] bank note [4], bank bill of exchange [5], bank post bill [6], or blank bank note [7], blank bank bill of exchange [8], or blank bank post bill [9], knowing the same to be forged or counterfeited [10]; or shall knowingly or wittingly have in his, her or their possession or custody, or in his, her or their dwelling-house, outhouse, lodgings or apartments, any forged or counterfeited bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill [11], knowing the same to be forged or counterfeited [12], without lawful excuse, the proof whereof shall lie upon the person accused [13], every person or persons so offending [14], and being thereof convicted according to law [15], shall be adjudged a felon, and shall be transported for the term of fourteen years [16].

Its influence upon 41 G. 3. (U. K.) c. 39. s. 5.

It appears from the notes to 45 G. 3. c. 89. s. 6. that its provisions are exactly the same as those of the 41 G. 3. (U. K.) c. 39. s. 5. The 41 G. 3. therefore, may be considered as superseded by the 45 G. 3.

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[13] The same as [13] in 15 G. 2.
[14] The same as [14] in 15 G. 2.

(*a*) 41 G. 3. (U. K.) c. 39. s. 5.
(*b*) 45 G. 3. c. 89. s. 6.

Notes to 45 *G.* 3. *c.* 89. *s.* 6.
[1] The same as [1] in 41 G. 3.
[2] The same as [2] in 41 G. 3.
[3] The same as [3] in 41 G. 3.
[4] The same as [4] in 41 G. 3.
[5] The same as [5] in 41 G. 3.
[6] The same as [6] in 41 G. 3.
[7] The same as [7] in 41 G. 3.
[8] The same as [8] in 41 G. 3.
[9] The same as [9] in 41 G. 3.
[10] The same as [10] in 41 G. 3.
[11] The same as [11] in 41 G. 3.
[12] The same as [12] in 41 G. 3.
[13] The same as [13] in 41 G. 3.
[14] The same as [14] in 41 G. 3.
[15] The same as [15] in 41 G. 3.
[16] The same as [16] in 41 G. 3.

Secondly, in relation to *Tools for manufacturing Bank Paper and Securities; and the manufacture of Bank Paper itself.*

1° *Tools for manufacturing Bank Paper; and the manufacture of Bank Paper itself.*—4 (*c*). 7 (*d*). 14 (*e*).

[13 G. 3. c. 79. s. 1.]—If any person or persons other than the officers, workmen, servants or agents, for the time being of the said governor and company, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using; or without being authorized and appointed as aforesaid, shall knowingly have in his, her or their custody or possession, without lawful excuse, the proof whereof shall lie upon the person accused, any frame, mould or instrument for the making of paper, with the words Bank of England visible in the substance of such paper[1]; or shall make or cause or procure to be made, or knowingly aid or assist in the making, any paper in the substance of which the said words Bank of England shall be visible; or if any person, except as before excepted, shall by any art, mystery or contrivance, cause or procure the said words Bank of England to appear visible in the substance of any paper whatsoever, or knowingly aid or assist in causing the said words Bank of England to appear in the substance of any paper whatsoever; every person so offending in any of the cases aforesaid, and being thereof lawfully convicted, shall for such offence be deemed and adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy. 13 G. 3. c. 79. s. 1.

[41 G. 3. (U. K.) c. 39. s. 1.]—If any person or persons, other than the officers, workmen, servants or agents for the time being of the said governor and company, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using; or without being authorized or appointed as aforesaid, shall knowingly have in his, her or their custody or possession, without lawful excuse, the proof whereof shall lie upon the person accused, any frame, mould or instrument for the making of paper, with curved or waving bar-lines, or with the laying wire-lines thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in Roman letters, visible in the substance of such paper[1]; or shall manufacture, make, use, vend, expose to sale, publish, or dispose of, or cause or procure to be manufactured, made, used or vended, exposed to sale, published or disposed of, or aid or assist in the manufacturing, making, using, vending, exposing to sale, publishing or disposing of, or without being authorized or appointed as aforesaid, shall knowingly have in his, her or their custody or possession any paper whatsoever, with curved or waving bar-lines, or with the laying wire-lines thereof in a waving or curved shape, or having any number, sum or amount expressed in a word or words in Roman letters, appearing visible in the substance of such paper; or if any person or persons, except as before excepted, shall by any art, mystery or contrivance, cause or procure the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank 41 G. 3. (U. K.) c. 39. s. 1;

(*c*) 13 G. 3. c. 79. s. 1.
(*d*) 41 G. 3. (U.K.) c. 39. s. 1.
(*e*) 45 G. 3. (U.K.) c. 89. s. 3.

Notes to 41 *G.* 3. (U. K.) *c.* 39. *s.* 1.

[1] The thing prohibited in 13 G. 3. (see [1] in 13 G. 3.) is, with the words *Bank of England* visible in the substance of such paper:' the thing prohibited in 41 G. 3. is, a word or words (in Roman letters) expressing any *number*, *sum* or *amount*, visible in the substance of such paper. Hence the two enactments relate to different things.

bank bill of exchange, or blank bank post bill, in a word or words, to appear visible in the substance of the paper whereon the same shall be written or printed [15], or shall knowingly aid or assist in causing the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange, or blank bank post bill, in a word or words, in Roman letters, to appear visible in the substance of the paper whereon the same shall be written or printed [16]; every person or persons so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years.

Its influence upon 13 G. 3. c. 79. s. 1.

It appears, from the notes to 41 G. 3. (U. K.) c. 39. s. 1. that itself and the 13 G. 3. c. 79. s. 1. relate to different things. Hence the 41 G. 3. has no influence upon the 13 G. 3.

45 G. 3. c. 89. s. 3;

[45 G. 3. c. 89. s. 3.]—If any person or persons, other than the officers, workmen, servants, or agents, for the time being of the governor and company of the bank of England, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using, or without being authorized or appointed as aforesaid, shall knowingly have in his, her or their custody or possession, without lawful excuse, the proof whereof shall lie upon the party[1] accused, any frame, mould or instrument for the making of paper, with curved or waving bar-lines, or with the laying wire-lines thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in Roman letters, visible in the substance of such paper; or shall manufacture, make, use, vend, expose to sale, publish or dispose of, or cause or procure to be manufactured, made, used[2], vended, exposed to sale, published or disposed of, or aid or assist in the manufacturing, making, using, vending, exposing to sale, publishing or disposing of, or without being authorized or appointed as aforesaid, shall knowingly have in his, her or their custody or possession, any paper whatsoever with curved or waving bar-lines, or with the laying wire-lines thereof in a waving or curved shape, or having any number sum or amount expressed in a word or words in Roman letters, appearing visible in the substance of such paper; or if any person or persons, except as before excepted, shall by any art, mystery or contrivance, cause or procure the numerical sum or amount of any bank note, bank bill of exchange or bank post bill, blank bank note, blank bank bill of exchange or blank bank post bill, in a word or words, to appear visible in the substance of the paper whereon the same shall be written or printed; or shall knowingly aid or assist in causing the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange or blank bank post bill, in a word or words in Roman letters, to appear visible in the substance of the paper whereon the same shall be written or printed; every person or persons so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years[3].

Its influence upon 13 G. 3. c. 79. s. 1; and

It appears, from the notes to 45 G. 3. c. 89. s. 3. that, with the exception of two verbal and immaterial variations, its provisions are exactly the same as those of the 41 G. 3.

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[15] The thing prohibited in 13 G. 3. (see [1] in 13 G. 3.) is, 'the said words, *Bank of England*, to appear visible in the substance of any paper whatsoever.' Hence the enactments in this branch, as well as the former branch, (vide supra, note [1]) relate to different things.

[16] Since the felony under this enactment is transportable only, and the felony under the 13 G. 3. sans clergy, the 13 G. 3. would be impliedly repealed by the 41 G. 3, was it not that their subject-matters are dissimilar.

Notes to 45 G. 3. (U. K.) *c.* 89. *s.* 3.

[1] *Person* is the word in 41 G. 3.

[2] An *or* is introduced here in 41 G. 3.

[3] With the exception of the two verbal variations mentioned in notes [1] and [2], the 45 G. 3. is the same as 41 G. 3.

41 G. 3. (U. K.) c. 39. s. 1. The 41 G. 3. therefore, may be considered as superseded by the 45 G. 3; and what has been said respecting the influence of the 41 G. 3. upon antecedent enactments, may be applied to the 45 G. 3. 41 G. 3. (U. K.) c. 39. s. 1.

2° *Tools for manufacturing Bank Securities.*—5 (*a*). 12 (*b*). 18 (*c*). 20 (*d*). 21 (*e*). 22 (*f*).

[13 G. 3. c. 79. s. 2.]—If any person or persons [1], without being authorized and appointed as aforesaid [2], shall engrave, cut, etch [3], or scrape in mezzotinto [4], or shall cause or procure to be engraved, cut, etched, or scraped in mezzotinto [5], or shall knowingly aid or assist in the engraving, cutting etching, or scraping in mezzotinto [6], in or upon any plate [7] of copper [8], brass [9], steel [10], pewter [11], or of any other metal [12] or mixture of metals [13], or upon wood [14], or any other material [15], or any plate whatsoever [16], any promissory note [17], inland bill [18] or bill of exchange [19], or blank promissory note [20], inland bill [21] or bill of exchange [22], or part of a promissory note [23], inland bill [24] or bill of exchange [25], containing the words Bank of England, or bank post bill [26], or any word or words expressing the sum or amount, or any part of the sum or amount of such promissory note, inland bill or bill of exchange, in white letters or figures on a black ground [27]; or shall use any such plate so engraved, cut, etched, or scraped in mezzotinto [28]; or shall use any other instrument [29] for the making or printing [30] any such promissory note [31], inland bill [32] or bill of exchange [33], or blank promissory note [34], inland bill [35], or bill of exchange [36], or part of a promissory note [37], inland bill [38] or bill of exchange [39]; if any person [40], without being authorized and appointed as aforesaid [41], shall knowingly have in his, her or their custody any such plate or instrument [42], or shall knowingly and wilfully utter or publish [43], any such promissory note [44], inland bill [45] or bill of exchange [46], blank promissory note [47], inland bill [48] or bill of exchange [49]; every such person so offending in any of the cases aforesaid, and being convicted thereof according to law [50], shall be committed to the common gaol of the county or place where the offence shall be committed, for any space not exceeding six months [51]. 13 G. 3. c. 79. s. 2.

[41 G. 3. (U. K.) c. 39. s. 6.]—If any person or persons [1] shall engrave, cut, etch [2], scrape [3], or by any other means or device make [4], or shall cause or procure to be engraved, cut, etched, scraped, or by any other means or device made [5], or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making [6], in or upon any plate [7] of copper [8], brass [9], steel [10], pewter [11], or of any other metal [12], or mixture of metals [13], or upon any wood [14], or any other materials [15], or any plate whatsoever, 41 G. 3. (U. K.) c. 39. s. 6;

(*a*) 13 G. 3. c. 79. s. 2.
(*b*) 41 G. 3. (U. K.) c. 39. s. 6.
(*c*) 45 G. 3. (U. K.) c. 89. s. 7.
(*d*) 52 G. 3. c. 138. s. 5.
(*e*) 1 G. 4. c. 92. s. 1.
(*f*) 1 G. 4. c. 92. s. 2.

Note to 13 G. 3. c. 79. s. 2.

[1] That is, 'if any person or persons, other than the officers, workmen, servants or agents for the time being of the governor and company of the Bank of England, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only.' 13 G. 3. c. 79. s. 1.

Notes to 41 G. 3. (U. K.) c. 39. s. 6.

[1] The same as [1] in 13 G. 3.
[2] The same as [2] in 13 G. 3.
[3] More extensive than [4] in 13 G. 3.
[4] Not in 13 G. 3.
[5] The same as [5] in 13 G. 3, rejecting what should be rejected.
[6] The same as [6] in 13 G. 3.
[7] The same as [7] in 13 G. 3.
[8] The same as [8] in 13 G. 3.
[9] The same as [9] in 13 G. 3.
[10] The same as [10] in 13 G. 3.
[11] The same as [11] in 13 G. 3.
[12] The same as [12] in 13 G. 3.
[13] The same as [13] in 13 G. 3.
[14] The same as [14] in 13 G. 3.
[15] The same as [15] in 13 G. 3.

whatsoever [16], any bank note [17], bank bill of exchange [18], bank post bill [19], or blank bank note [20], blank bank bill of exchange [21], or blank bank post bill [22], or part of a bank note [23], bank bill of exchange [24], or bank post bill [25], purporting to be the note, or bill of exchange, or bank post bill, or blank bank note, or blank bank bill of exchange, or blank bank post bill, or part of the note, or bill of exchange, or bank post bill, of the governor and company of the Bank of England [26], without an authority in writing for that purpose from the said governor and company of the Bank of England [27]; or shall use any such plate so engraved, cut, etched, scraped [28], or by any other means or device make [29], or shall use any other instrument [30] or device [31] for the making or printing [32] any such bank note [33], bank bill of exchange [34], or bank post bill [35], or blank bank note [36], or blank bank bill of exchange [37], or blank bank post bill [38], or part of a bank note [39], or bank bill of exchange [40], or bank post bill [41], without such authority in writing as aforesaid [42]; or if any person or persons [43] shall, without such authority as aforesaid [44], knowingly have in his, her or their custody any such plate, instrument [45] or device [46]; or shall, without such authority as aforesaid [47] knowingly and wilfully utter, publish, dispose of, or put away [48] any such bank note [49], bank bill of exchange [50], bank post bill [51], blank bank note [52], blank bank bill of exchange [53], or blank bank post bill [54], or part of such bank note [55], bank bill of exchange [56], or bank post bill [57]; every person so offending in any of the cases aforesaid, and being convicted thereof according to law [58], shall be adjudged a felon, and shall be transported for the term of seven years [59].

Its influence upon 13 G. 3. c. 79. s. 2.

The influence of the 41 G. 3. (U. K.) c. 39. s. 6. upon 13 G. 3. c. 79. s. 2., as shewn by the notes to 41 G. 3., is this—With the exception of division 27, the 13 G. 3. is impliedly repealed by 41 G. 3; but that division is in full force notwithstanding the 41 G. 3.

45 G. 3. c. 89. s. 7;

[45 G. 3. c. 89. s. 7.]—If any person or persons [1] shall engrave, cut, etch [2], scrape [3], or by any other means or device make [4], or shall cause or procure to be engraved, cut, etched, scraped, or by any other means or device made [5], or shall knowingly aid or assist in the engraving, cutting, etching scraping, or by any other means or device making [6], in or upon any plate [7] of copper [8], brass [9], steel,

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[16] The same as [16] in 13 G. 3.
[17] Equivalent to [17] in 13 G. 3.
[18] Equivalent to [18] in 13 G. 3
[19] Equivalent to [19] in 13 G. 3
[20] Equivalent to [20] in 13 G. 3
[21] Equivalent to [21] in 13 G. 3.
[22] Equivalent to [22] in 13 G. 3.
[23] Equivalent to [23] in 13 G. 3.
[24] Equivalent to [24] in 13 G. 3.
[25] Equivalent to [25] in 13 G. 3.
[26] More extensive than [26] in 13 G. 3.
[27] More restrictive than [2] in 13 G. 3.
[28] More extensive than [28] in 13 G. 3.
[29] Not in 13 G. 3.
[30] The same as [29] in 13 G. 3.
[31] Not in 13 G. 3.
[32] The same as [30] in 13 G. 3.
[33] Equivalent to [31] in 13 G. 3.
[34] Equivalent to [32] in 13 G. 3.
[35] Equivalent to [33] in 13 G. 3.
[36] Equivalent to [34] in 13 G. 3.
[37] Equivalent to [35] in 13 G. 3.
[38] Equivalent to [36] in 13 G. 3.
[39] Equivalent to [37] in 13 G. 3.
[40] Equivalent to [38] in 13 G. 3.
[41] Equivalent to [39] in 13 G. 3.
[42] More restrictive than [2] in 13 G. 3.
[43] Equivalent to [40] in 13 G. 3.
[44] More restrictive than [41] in 13 G. 3.
[45] Equivalent to [42] in 13 G. 3.
[46] Not in 13 G. 3.
[47] More restrictive than [41] in 13 G. 3.
[48] More extensive than [43] in 13 G. 3.
[49] Equivalent to [44] in 13 G. 3.
[50] Equivalent to [45] in 13 G. 3.
[51] Equivalent to [46] in 13 G. 3.
[52] Equivalent to [47] in 13 G. 3.
[53] Equivalent to [48] in 13 G. 3.
[54] Equivalent to [49] in 13 G. 3.
[55] Not in 13 G. 3.
[56] Not in 13 G. 3.
[57] Not in 13 G. 3.
[58] Equivalent to [50] in 13 G. 3.
[59] Since the offence under this enactment is felony, and under the 13 G. 3, a misdemeanour only, the latter enactment is impliedly repealed by the 41 G. 3, excepting in division 27, which has no corresponding division in 41 G. 3.

Notes to 45 G. 3. *c.* 89. *s.* 7.

[1] The same as [1] in 41 G. 3.
[2] The same as [2] in 41 G. 3.
[3] The same as [3] in 41 G. 3.
[4] The same as [4] in 41 G. 3.
[5] The same as [5] in 41 G. 3.
[6] The same as [6] in 41 G. 3.
[7] The same as [7] in 41 G. 3.
[8] The same as [8] in 41 G. 3.
[9] The same as [9] in 41 G. 3.

steel [10], pewter [11], or of any other metal [12], or mixture of metals [13], or upon any wood [14], or any other materials [15], or any plate whatsoever [16], any bank note [17], bank bill of exchange [18], bank post bill [19], or blank bank note [20], blank bank bill of exchange [21], or blank bank post bill [22], or part of a bank note [23], bank bill of exchange [24], or bank post bill [25], purporting to be the note, or bill of exchange, or bank post bill, or blank bank note, or blank bank bill of exchange, or blank bank post bill, or part of the note, or bill of exchange, or bank post bill of the governor and company of the Bank of England [26], without an authority in writing for that purpose from the said governor and company of the Bank of England [27]; or shall use any such plate so engraved, cut, etched, scraped [28], or by any other means or device made [29], or shall use any other instrument [30] or device [31] for the making or printing [32] any such bank note [33], bank bill of exchange [34], or bank post bill [35], or blank bank note [36], or blank bank bill of exchange [37], or blank bank post bill [38], or part of a bank note [39], or bank bill of exchange [40], or bank post bill [41], without such authority in writing as aforesaid [42]; or if any person or persons [43] shall, without such authority as aforesaid [44], knowingly have in his, her or their custody, any such plate, instrument [45] or device [46], or shall, without such authority as aforesaid [47], knowingly and willfully utter, publish, dispose of or put away [48], any such blank bank note [49], blank bank bill of exchange [50], or blank bank post bill [51], or part of such bank note [52], bank bill of exchange [53], or bank post bill [54]; every person so offending in any of the cases aforesaid, and being convicted thereof according to law [55], shall be adjudged a felon, and shall be transported for the term of fourteen years [56].

It has appeared, that division 27 in 13 G. 3. is in full force, notwithstanding the 41 G. 3: and since there is no corresponding division in 45 G. 3. c. 89. s. 7. division 27 in 13 G. 8. is not influenced by 45 G. 3. Its influence upon 13 G. 3. c. 79. s. 2;

The influence of the 45 G. 3. upon the 41 G. 3., as shewn by the notes to 45 G. 3., is this—With the exception of divisions 49, 50, 51, the 41 G. 3. is impliedly repealed by 45 G. 3; but those divisions are in full force notwithstanding 45 G. 3. And 41 G. 3. (U. K.) c. 39. s. 6.

[52 G. 3. c. 138. s. 5.]—If any person [1] shall engrave, cut, etch [2], scrape [3], or by any other means or device make [4], or shall cause or procure to be engraved, cut, 52 G. 3. c. 138. s. 5.

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[10] The same as [10] in 41 G. 3.
[11] The same as [11] in 41 G. 3.
[12] The same as [12] in 41 G. 3.
[13] The same as [13] in 41 G. 3.
[14] The same as [14] in 41 G. 3.
[15] The same as [15] in 41 G. 3.
[16] The same as [16] in 41 G. 3.
[17] The same as [17] in 41 G. 3.
[18] The same as [18] in 41 G. 3.
[19] The same as [19] in 41 G. 3.
[20] The same as [20] in 41 G. 3.
[21] The same as [21] in 41 G. 3.
[22] The same as [22] in 41 G. 3.
[23] The same as [23] in 41 G. 3.
[24] The same as [24] in 41 G. 3.
[25] The same as [25] in 41 G. 3.
[26] The same as [26] in 41 G. 3.
[27] The same as [27] in 41 G. 3.
[28] The same as [28] in 41 G. 3.
[29] The same as [29] in 41 G. 3.
[30] The same as [30] in 41 G. 3.
[31] The same as [31] in 41 G. 3.
[32] The same as [32] in 41 G. 3.
[33] The same as [33] in 41 G. 3.
[34] The same as [34] in 41 G. 3.
[35] The same as [35] in 41 G. 3.
[36] The same as [36] in 41 G. 3.
[37] The same as [37] in 41 G. 3.
[38] The same as [38] in 41 G. 3.
[39] The same as [39] in 41 G. 3.
[40] The same as [40] in 41 G. 3.
[41] The same as [41] in 41 G. 3.
[42] The same as [42] in 41 G. 3.
[43] The same as [43] in 41 G. 3.
[44] The same as [44] in 41 G. 3.
[45] The same as [45] in 41 G. 3.
[46] The same as [46] in 41 G. 3.
[47] The same as [47] in 41 G. 3.
[48] The same as [48] in 41 G. 3.
[49] The same as [52] in 41 G. 3.
[50] The same as [53] in 41 G. 3.
[51] The same as [54] in 41 G. 3.
[52] The same as [55] in 41 G. 3.
[53] The same as [56] in 41 G. 3.
[54] The same as [57] in 41 G. 3.
[55] The same as [58] in 41 G. 3.
[56] Since the punishment under this enactment is fourteen, and under the 41 G. 3. only seven years transportation, the 45 G. 3. is impliedly repealed by the 45 G. 3. excepting in the cases marked [49] [50] and [51] in 41 G. 3; the 45 G. 3, owing to a blunder, has no provisions corresponding to these.

Notes to 52 G. 3. c. 138.

[1] Equivalent to [1] in 45 G. 3.
[2] The same as [2] in 45 G. 3.
[3] The same as [3] in 45 G. 3.
[4] The same as [4] in 45 G. 3.

cut, etched, scraped, or by any other means or device made [5], or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making [6], in or upon any plate [7] of copper [8], brass [9], steel [10], pewter [11], or of any other metal [12], or mixture of metals [13], or upon wood [14], or any other materials [15], or upon any plate whatsoever [16], any word or words, figure or figures, character or characters, the impression taken from which shall resemble, or be apparently intended to resemble the whole or any part of any of the notes or bills of the said governor and company, commonly called bank notes, and bank post bills [17], or shall contain any word, number, figure or character in white on a black, sable or dark ground [18], without an authority in writing for that purpose from the said governor and company [19], to be produced and proved by the party accused [20], or shall without such authority as aforesaid [21], use any such plate, wood or other material so engraved, cut, etched, scraped [22], or by any other means or device made [23], or shall use any other instrument [24] or device [25] for the making or printing [26] upon any paper or other material [27], any word or words, figure or figures, character or characters, which shall be apparently intended to resemble the whole or any part of any of the said notes or bills of the said governor and company [28], or any word, number, figure or character in white on a black, sable or dark ground [29]; or if any person or persons [30] shall without such authority as aforesaid [31], knowingly have in his, her or their custody, any such plate, instrument [32] or device [33], or shall knowingly and wilfully utter, publish, or dispose of, or put away [34], any paper or other material containing any such word or words, figure or figures, character or characters as aforesaid [35], or shall knowingly or wittingly have in his, her or their custody or possession, any paper or other material containing any such word or words, figure or figures, character or characters as aforesaid [36], without lawful excuse [37], the proof whereof shall lie upon the person accused [38]; every person so offending in any of the cases aforesaid, and being convicted thereof according to law [39], shall be adjudged a felon, and shall be transported for the term of fourteen years [40].

Its influence upon 13 G. 2. c. 79. s. 2;

It has appeared, that division 27 in 13 G. 3. is in full force, notwithstanding the 41 G. 3. and 45 G. 3. Now, however, it is impliedly repealed by division 18, in 52 G. 3. c. 138.

41 G. 3. (U. K.) c. 39. s. 6;

And 45 G. 3. c. 89. s. 7.

It has appeared that divisions 49, 50, 51, in 41 G. 3. are in full force, notwithstanding the 45 G. 3. Now, however, divisions 49. and 51. in 41 G. 3. are impliedly repealed by division 35, in 52 G. 3. But supposing that the expressions, *bank bill of exchange* and *bank post bill*, mean different things, then division 50. in 41 G. 3, is in full force, notwithstanding the 52 G. 3.

The influence of the 52 G. 3. upon the 45 G. 3., as shewn by the notes to 52 G. 3., is this—Supposing that the expressions, *bank bill of exchange* and *bank post bill*, mean different things, then divisions 18. 21. 24. 34. 37. 40. 50. 53. in 45 G. 3. are in full force, notwithstanding

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[5] The same as [5] in 45 G. 3.
[6] The same as [5] in 45 G. 3.
[7] The same as [7] in 45 G. 3.
[8] The same as [8] in 45 G. 3.
[9] The same as [9] in 55 G. 3.
[10] The same as [10] in 45 G. 3.
[11] The same as [11] in 45 G. 3.
[12] The same as [12] in 45 G. 3.
[13] The same as [13] in 45 G. 3.
[14] Equivalent to [14] in 45 G. 3.
[15] The same as [15] in 45 G. 3.
[16] Equivalent to [16] in 45 G. 3.
[17] More extensive than [17], [19], [20], [22], [23], [25], [26], in 45 G. 3.
[18] Not in 45 G. 3, but corresponding with [27] in 13 G. 3, excepting that it is more extensive.
[19] Equivalent to [27] in 45 G. 3.
[20] Not in 45 G. 3.
[21] Equivalent to [42] in 45 G. 3.
[22] More extensive than [28] in 45 G. 3.
[23] The same as [29] in 45 G. 3.
[24] The same as [30] in 45 G. 3.
[25] The same as [31] in 45 G. 3.
[26] The same as [32] in 45 G. 3.
[27] Not in 45 G. 3.
[28] More extensive than [33], [35], [36], [38], [39], [41], in 45 G. 3.
[29] Not in 45 G. 3.
[30] The same as [43] in 45 G. 3.
[31] The same as [44] in 45 G. 3.
[32] The same as [45] in 45 G. 3.
[33] The same as [46] in 45 G. 3.
[34] The same as [47] and [48] in 45 G. 3.
[35] More extensive than [49], [51], [52], [54] in 45 G. 3.
[36] Not in 45 G. 3.
[37] Not in 45 G. 3.
[38] Not in 45 G. 3.
[39] The same as [55] in 45 G. 3.
[40] The same as [56] in 45 G. 3.

notwithstanding the 52 G. 3. But with these exceptions, the 45 G. 3. is superseded by 52 G. 3.

[1 G. 4. c. 92. s. 1.]—Whereas the forgery of bank notes hath of late very much increased in this kingdom; and as well for the prevention thereof, as to facilitate the detection of the same, the governor and company of the Bank of England have, after great consideration, labour and expense, formed a new plan for printing bank notes, in which the ground-work of each bank note will be black or coloured, or black and coloured line-work, and the words Bank of England will be placed at the top of each Bank note in white letters upon a black, sable or dark ground, such ground containing white lines intersecting each other, and the numerical amount or sum of each bank note, in the body of the note, will be printed in black and red register work, and the back of each note will distinctly shew the whole contents thereof, except the number and date, in a reversed impression: therefore for the better prevention of the forgery of bank notes, and for the security of the public, If any person or persons, other than the officers, workmen, servants and agents for the time being of the said governor and company, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall engrave, cut, etch, scrape, or by any other art, means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other art, means or device make, or shall knowingly aid or assist in the engraving, cutting etching, scraping, or by any other art means, or device making, in or upon any plate of copper, brass, steel, iron, pewter, or of any other metal or mixtures of metal, or upon wood or other materials, or any plate whatsoever, for the purpose of producing a print or impression of all or any part or parts of a bank note, or of a blank bank note, of the said governor and company of the description aforesaid, without an authority in writing from the said governor and company, or shall use any such plate so engraved, cut, etched, scraped, or by any other art, means or device made, or shall use any other instrument or contrivance, for the making or printing any such bank note, or blank bank note, or part of a bank note of the description aforesaid; or if any person or person shall without such authority as aforesaid, knowingly, and without lawful excuse, have in his, her or their custody, any such plate or instrument, or without such authority as aforesaid, shall knowingly or wilfully utter, publish, dispose of, or put away any such blank bank note, or part of such bank note of the description aforesaid, every person so offending in any of the cases aforesaid, and being thereof convicted according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years [1].

1 G. 4. c. 92. s. 1;

Since the 1 G. 4. c. 92. s. 1. relates to securities of a new and particular description, it can have no influence upon antecedent enactments.

Its influence upon 45 G. 3. c. 89. s. 7; and 52 G. 3. c. 138.

[1 G. 4. c. 92. s. 2.]—If any person or persons shall engrave, cut, etch, scrape, or by any other art, means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other art, means or contrivance made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other art, means or contrivance making, in or upon any plate of copper, brass, steel, iron, pewter, or of any other metal, or mixture of metals, or upon wood, or any other materials, or upon any plate whatsoever, any line-work, as or for the ground-work of a promissory note or bill of exchange, the impression taken from which line-work shall be intended

1 G. 4. c. 92. s. 2;

Notes to 1 G. 4. c. 92. s. 1.

[1] Since this enactment relates to securities of a new and particular description, it can have no influence upon antecedent enactments; hence it is unnecessary to note in what respect its phraseology varies from or agrees with antecedent enactments.

intended to resemble the ground-work of a bank note of the said governor and company of the description aforesaid, or any device the impression taken from which shall contain the words Bank of England in white letters upon a black, sable or dark ground, either with or without white or other lines therein, or shall contain in any part thereof the numerical sum or amount of any promissory note or bill of exchange in black and red register work, or shall shew the reversed contents of a promissory note or bill of exchange, or of any part of a promissory note or bill of exchange, or shall contain any word or words, figure or figures, character or characters, pattern or patterns, which shall be intended to resemble the whole or any part of the matter or ornaments of any bank note of the description aforesaid [1], or shall contain any word, number, figure or character in white on a black, sable or dark ground, either with or without white or other lines therein, which shall be intended to resemble the numerical sum or amount in the margin, or any other part of any bank note of the said governor and company [2], without an authority in writing for that purpose from the said governor and company [3], to be produced and proved by the party accused [4]; or if any person or persons shall, without such authority as aforesaid, use any such plate, wood, or other material so engraved, cut, etched, scraped, or by any other act, means or contrivance made, or shall use any other instrument or contrivance for the making or printing upon any paper or other material, any word or words, figure or figures, character or characters, pattern or patterns, which shall be intended to resemble the whole or any part of the matter or ornaments of any such note of the said governor and company, of the description aforesaid, or any word, figure or character, in white on a black, sable, or dark ground, either with or without white or other lines therein, which shall be apparently intended to resemble the numerical sum or amount in the margin, or any other part of any bank note of the said governor and company; or if any person or persons shall, without such authority as aforesaid, knowingly have in his, her or their custody or possession, any such plate or instrument, or shall knowingly and wilfully utter, publish, or dispose of, or put away any paper or other material containing any such word or words, figure or figures, character or characters, pattern or patterns as aforesaid, or shall knowingly or willingly have in his, her or their custody or possession, any paper or other material containing any such word or words, figure or figures, character or characters, pattern or patterns as aforesaid, without lawful excuse, the proof whereof shall lie upon the person accused [5], every person so offending in any of the cases aforesaid, and being convicted thereof according to law [6], shall be adjudged a felon, and shall be transported for the term of fourteen years [7].

Its influence upon 41 G. 3. (U. K.) c. 39. s. 6;

It has appeared that, supposing the expressions, *bank bill of exchange* and *bank post bill*, mean different things, then division 50 in 41 G. 3. (U. K.) c. 39. s. 6. (to which there is no corresponding division in 45 G. 3. c. 89. s. 7.) is in full force, notwithstanding the 52 G. 3. And since the 1 G. 4. c. 92. s. 2. has no division corresponding to division 50. in 41. G. 3., this division is not influenced by 1 G. 4.

45 G. 3. c. 89. s. 7;

It has appeared that, supposing the expressions, *bank bill of exchange* and *bank post bill*, mean different things, then divisions 18. 21. 24. 34. 37. 40. 50. 53. in 45 G. 3. are in full force, notwithstanding the 52 G. 3. And since the 1 G. 4. c. 92. s. 2. has no divisions corresponding to these, they are not influenced by the 1 G. 4.

And 52 G. 3. c. 138.

The influence of the 1 G. 4. upon the 52 G. 3. is this—Divisions 18 and 29 in 52 G. 3. may be considered as superseded by divisions 2 and 5 in 1 G. 4. But, in other respects, the 1. G. 4. has no influence upon the 52 G. 3.

Notes to 1 *G.* 4. *c.* 92. *s.* 2.

[1] To this extent the enactment relates to securities of a new and particular description, it has, therefore, no influence upon antecedent enactments; hence it is unnecessary to note in what respect its phraseology varies from or agrees with antecedent enactments.

[2] More definite than [18] in 52 G. 3.

[3] The same as [19] in 52 G. 3.

[4] The same as [20] in 52 G. 3.

[5] More definite than 52 G. 3. in relation to white characters on a dark ground.

[6] The same as [39] in 52 G. 3.

[7] The same as [40] in 52 G. 3.

Thirdly, in relation to *the Exemption of certain Acts from the operation of the Enactments.*—6 (*a*). 9 (*b*). 10 (*c*). 15 (*d*). 16 (*e*).

Since the 13 G. 3. c. 79. s. 2, upon which section 3 of that statute is dependent, is no longer operative, neither is section 3.

Since, too, the provisions of the 41 G. 3. (U. K.) c. 39, upon which sections 3 and 4 (*f*) of that statute are dependent, are no longer operative, neither are sections 3 and 4.

But since the 45 G. 3. c. 89. s. 3, upon which sections 4 and 5 of that statute are dependent, is in full force, those sections are in force likewise; and since the various bank acts, being acts in *pari materiâ,* are to be construed as one act, these sections may be considered as qualifying the whole series.

Fourthly, in relation to *Matters connected with the Denunciation of Offences.*—19 (*a*).

Since the provisions of the 45 G. 3. c. 89 are, to a certain extent, in full force, to the same extent is section 8 of that statute in force likewise.

SECTION V.

The Enactments, now in force, Consolidated.

Having shown what influence subsequent enactments have had upon antecedent enactments, and thereby ascertained what provisions are now in force; it remains, to recite these provisions at large, and in a consolidated form.

1. If any person or persons shall forge, counterfeit, or alter the common seal of the governor and company of the bank of England, or any bank note, bank bill of exchange, or dividend warrant, or any bond or obligation, under the common seal of the said governor and company, or any indorsement thereon, or shall offer or dispose of, or put away any such forged, counterfeit, or altered note, bill, dividend warrant, bond or obligation, or the indorsement thereon, or demand the money therein contained, or pretended to be due thereon, or any part thereof, of the said company, or any their officers or servants, knowing such note, bill, dividend warrant, bond or obligation, or the indorsement thereon, to be forged, counterfeited, or altered, with intent to defraud the said governor and company, or their successors, or any other person or persons, body or bodies politic or corporate whatsoever; every person or persons so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy. This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain.

45 G. 3. c. 89. s. 2. 8. incorporating division 2. of 8 & 9 W. 3. c. 20. s. 36.

2. The forging or counterfeiting the common seal of the said corporation of the governor and company, or of any sealed bank bill, made or given out in the name of the said governor and company, for the payment of any sum of money, or of any bank note of any sort whatsoever, signed for the said governor and company of the bank of England, or the altering or raising any indorsement on any bank bill, or note of any sort, from any evil motive other than a fraudulent intention, shall be and is hereby declared and adjudged to be felony, without benefit of clergy.

8 & 9 W. 3. c. 20. s. 36. limited to cases where the evil motive is other than fraudulent.

3. If

(*a*) 13 G. 3. c. 79. s. 3.
(*b*) 41 G. 3. (U. K.) c. 39. s. 3.
(*c*) 41 G. 3. (U. K.) c. 39. s. 4.
(*d*) 45 G. 3. c. 89. s. 4.
(*e*) 45 G. 3. c. 89. s. 5.
(*f*) Section 2 is of a local operation.

(*a*) 45 G. 3. c. 89. s. 8.

Divisions 6. and 10. of 11 G. 1. c. 9. s. 6.

3. If any person or persons shall erase any indorsement upon any bank bill, or bank note, made or given out for the payment of any sum of money, by or for the said governor and company, or any bank note of any sort whatsoever; or shall tender in payment, utter, vend, exchange, or barter any such bill or note, the indorsement thereupon having been erased, or demand to have the same exchanged for ready money by the said governor and company, or their successors, or any other person or persons, knowing the indorsement upon such bill or note, so tendered or demanded to be exchanged, vended or bartered, to be erased, and with intention to defraud the said governor and company, or their successors, or any other person or persons, body politic or corporate; then every such person or persons so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged a felon, and shall suffer as in cases of felony.

Division 12. of 11 G. 1. c. 9. s. 6. in as far as the same is more extensive than subsequent enactments.

4. If any person or persons shall demand to have any altered, forged, or counterfeited bank bill or bank note made or given out for the payment of any sum of money by or for the said governor and company, or any bank note of any sort whatsoever, or any such bill or note, the indorsement whereupon has been erased, exchanged for ready money by any person or persons other than the said company, or any their officers or servants, knowing such bill or note, or the indorsement thereupon, so demanded to be exchanged, to be altered, forged, counterfeited or erased, and with intention to defraud the said governor and company or their successors, or any other person or persons, body politic or corporate; then every such person or persons so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged a felon, and shall suffer as in cases of felony.

45 G. 3. c. 89. s. 6. 8.

5. If any person or persons shall purchase or receive from any other person or persons any forged or counterfeited bank note, bank bill of exchange, bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged or counterfeited, or shall knowingly or wittingly have in his her or their possession or custody, or in his her or their dwelling-house, out-house, lodgings or apartments, any forged or counterfeited bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged or counterfeited, without lawful excuse, the proof whereof shall lie upon the person accused; every person or persons so offending, and being thereof convicted according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years. This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain.

13 G. 3. c. 79. s. 1.

6. If any person or persons other than the officers, workmen, servants or agents for the time being, of the said governor and company, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using, or without being authorized and appointed as aforesaid, shall knowingly have in his her or their custody or possession, without lawful excuse, the proof whereof shall lie upon the person accused, any frame, mould or instrument for the making of paper, with the words Bank of England visible in the substance of such paper, or shall make or cause, or procure to be made, or knowingly aid or assist in the making any paper in the substance of which the said words Bank of England shall be visible, or if any person, except as before excepted, shall by any art, mystery or contrivance, cause or procure the said words Bank of England to appear visible in the substance of any paper whatsoever, or knowingly aid or assist in causing the said words Bank of England to appear in the substance of any paper whatsoever; every person so offending in any of the

the cases aforesaid, and being thereof lawfully convicted, shall for such offence be deemed and adjudged a felon, and shall suffer death, as in cases of felony, without benefit of clergy.

7. If any person or persons, other than the officers, workmen, servants or agents for the time being, of the governor and company of the bank of England to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using; or without being authorized and appointed as aforesaid, shall knowingly have in his, her or their custody or possession, without lawful excuse, the proof whereof shall lie upon the party accused, any frame, mould or instrument for the making of paper with curved or waving bar-lines, or with the laying wire-lines thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in Roman letters, visible in the substance of such paper; or shall manufacture, make, use, vend, expose to sale, publish or dispose of, or cause or procure to be manufactured, made, used, vended, exposed to sale, published or disposed of, or aid or assist in the manufacturing, making, using, vending, exposing to sale, publishing or disposing of, or without being authorized or appointed as aforesaid, shall knowingly have in his her or their custody or possession any paper whatsoever, with curved or waving bar-lines, or with the laying wire-lines thereof in a waving or curved shape, or having any number, sum or amount expressed in a word or words in Roman letters, appearing visible in the substance of such paper; or if any person or persons, except as before excepted, shall by any art, mystery or contrivance, cause or procure the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange, or blank bank post bill, in a word or words, to appear visible in the substance of the paper whereon the same shall be written or printed, or shall knowingly aid or assist in causing the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange, or blank bank post bill, in a word or words, in Roman letters, to appear visible in the substance of the paper whereon the same shall be written or printed; every person or persons so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years. This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain. 45 G. 3, c. 89. s. 3. 8.

8. If any person shall engrave, cut, etch, scrape, or by any other means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other means or device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making, in or upon any plate of copper, brass, steel, pewter, or of any other metal, or mixture of metals, or upon wood, or any other materials, or upon any plate whatsoever, any word or words, figure or figures, character or characters, the impression taken from which shall resemble, or be apparently intended to resemble, the whole or any part of any of the notes or bills of the said governor and company, commonly called bank notes and bank post bills, without an authority in writing for that purpose from the said governor and company, to be produced and proved by the party accused; or shall without such authority as aforesaid, use any such plate, wood or other material so engraved, cut, etched, scraped, or by any other means or device made, or shall use any other instrument or device for the making or printing upon any paper or other material, any word or words, figure or figures, character or characters, which shall be apparently intended to resemble the whole or any part of any of the said notes or bills of the said governor and company; or if any person or persons shall, without such authority as aforesaid, knowingly have in his, her or their custody, any such plate, instrument or device, or shall knowingly and wilfully utter, publish 52 G. 3. c. 138. s. 5. rejecting divisions 18. and 29.

publish or dispose of or put away, any paper or other material containing any such word or words, figure or figures, character or characters as aforesaid, or shall knowingly or wittingly have in his, her or their custody or possession, any paper or other material containing any such word or words, figure or figures, character or characters as aforesaid, without lawful excuse, the proof whereof shall lie upon the person accused, every person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years.

Division 50. of 41 G. 3. (U. K.) c. 39. s. 6; and divisions 18. 21. 24. 34. 37. 40. 50. 53. of 45 G. 3. c. 89. s. 7; also 45 G. 3. c. 89. s. 8.

9. If any person or persons shall engrave, cut, etch, scrape, or by any other means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other means or device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making, in or upon any plate of copper, brass, steel, pewter, or of any other metal, or mixture of metals, or upon any wood, or any other materials, or any plate whatsoever, any bank bill of exchange, or blank bank bill of exchange, or part of a bank bill of exchange, purporting to be the bill of exchange, or blank bank bill of exchange, or part of the bill of exchange of the governor and company of the bank of England, without an authority in writing for that purpose, from the said governor and company of the bank of England; or shall use any such plate so engraved, cut, etched, scraped, or by any other means or device made, or shall use any other instrument or device, for the making or printing any such bank bill of exchange, or blank bank bill of exchange, or part of bank bill of exchange, without such authority in writing as aforesaid; or if any person or persons shall, without such authority as aforesaid, knowingly have in his, her or their custody, any such plate, instrument, or device; or shall, without such authority as aforesaid, knowingly and wilfully utter, publish, dispose of, or put away any such bank bill of exchange, or blank bank bill of exchange, or part of such bank bill of exchange; every person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of (*a*) fourteen years. This provision shall extend, and be deemed and construed to extend, by all courts, judges and magistrates whatsoever, to every part of Great Britain.

1 G. 4. c. 92. s. 1.

10. Whereas the forgery of bank notes hath of late very much increased in this kingdom; and as well for the prevention thereof, as to facilitate the detection of the same, the governor and company of the bank of England have, after great consideration, labour and expense, formed a new plan for printing bank notes, in which the ground work of each bank note will be black or coloured, or black and coloured line-work, and the words Bank of England will be placed at the top of each bank note in white letters upon a black, sable or dark ground, such ground containing white lines intersecting each other, and the numerical amount or sum of each bank note, in the body of the note, will be printed in black and red register work, and the back of each note will distinctly show the whole contents thereof, except the number and date, in a reversed impression: therefore for the better prevention of the forgery of bank notes, and for the security of the public, If any person or persons, other than the officers, workmen, servants and agents for the time being of the said governor and company, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only, shall engrave, cut, etch, scrape, or by any other art, means or device, make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other art, means or device made, or shall knowingly aid or assist in the engraving, cutting etching, scraping, or by any other art, means or device making, in or upon any plate of copper,

(*a*) *Seven*, by 41 G. 3.

copper, brass, steel, iron, pewter, or of any other metal or mixtures of metal, or upon wood or other materials, or any plate whatsoever, for the purpose of producing a print or impression of all or any part or parts of a bank note, or of a blank bank note, of the said governor and company, of the description aforesaid, without an authority in writing from the said governor and company, or shall use any such plate so engraved, cut, etched, scraped, or by any other art, means or device made, or shall use any other instrument or contrivance, for the making or printing any such bank note, or blank bank note, or part of a bank note of the description aforesaid; or if any person or persons shall without such authority as aforesaid, knowingly, and without lawful excuse, have in his, her or their custody, any such plate or instrument, or without such authority as aforesaid, shall knowingly or wilfully utter, publish, dispose of, or put away any such blank bank note, or part of such bank note of the description aforesaid, every person so offending in any of the cases aforesaid, and being thereof convicted according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years.

11. If any person or persons shall engrave, cut, etch, scrape, or by any other art, means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other art, means or contrivance made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other art, means or contrivance making, in or upon any plate of copper, brass, steel, iron, pewter, or of any other metal or mixture of metals, or upon wood, or any other materials, or upon any plate whatsoever, any line-work, as or for the ground-work of a promissory note or bill of exchange, the impression taken from which line-work shall be intended to resemble the ground-work of a bank note of the said governor and company, of the description aforesaid, or any device the impression taken from which shall contain the words Bank of England in white letters upon a black, sable or dark ground, either with or without white or other lines therein, or shall contain in any part thereof the numerical sum or amount of any promissory note or bill of exchange in black and red register work, or shall shew the reversed contents of a promissory note or bill of exchange, or of any part of a promissory note or bill of exchange, or shall contain any word or words, figure or figures, character or characters, pattern or patterns, which shall be intended to resemble the whole or any part of the matter or ornaments of any bank note of the description aforesaid, or shall contain any word, number, figure or character in white on a black, sable or dark ground, either with or without white or other lines therein, which shall be intended to resemble the numerical sum or amount in the margin, or any other part of any bank note of the said governor and company, without an authority in writing for that purpose from the said governor and company, to be produced and proved by the party accused; or if any person or persons shall, without such authority as aforesaid, use any such plate, wood or other material so engraved, cut, etched, scraped, or by any other art, means or contrivance made, or shall use any other instrument or contrivance for the making or printing upon any paper or other material any word or words, figure or figures, character or characters, pattern or patterns, which shall be intended to resemble the whole or any part of the matter or ornaments of any such note of the said governor and company, of the description aforesaid, or any word figure, or character, in white on a black, sable, or dark ground, either with or without white or other lines therein, which shall be apparently intended to resemble the numerical sum or amount in the margin, or any other part of any bank note of the said governor and company; or if any person or persons shall, without such authority as aforesaid, knowingly have in his, her or their custody or possession, any such plate or instrument, or shall knowingly and wilfully utter, publish, or dispose of, or put away any paper or other material containing any such word or words, figure or figures, character or characters, 1 G. 4. c. 92. s. 2.

pattern or patterns as aforesaid, or shall knowingly or willingly have in his, her or their custody or possession, any paper or other material containing any such word or words, figure or figures, character or character, pattern or patterns as aforesaid, without lawful excuse, the proof whereof shall lie upon the person accused, every person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years.

45 G. 3. c. 89. s. 4.

12. Nothing herein contained shall extend, or be construed to extend, to restrain any person or persons from issuing or negociating any bill or bills of exchange, promissory note or promissory notes, having the sum or amount thereof expressed in guineas, or in a numerical figure or figures, denominating the sum or amount thereof in pounds sterling, appearing visible on* the substance of the paper upon which the same shall be written or printed.

45 G. 3. c. 89. s. 5.

13. Nothing herein contained shall restrain or prevent any person or persons from making using, vending, exposing to sale, publishing or disposing of any paper having waving or curved lines, or any other devices in the nature of watermarks visible in the substance of the paper, not being bar-lines or laying wire-lines, provided the same are not contrived in such manner as to form the groundwork or texture of the paper, or to imitate or resemble the waving or curved laying wire-lines or bar-lines of the said paper of the governor and company of the bank of England, or to imitate or resemble the watermark used by the governor and company of the bank of England, in the bank notes, bank bills of exchange, and bank post bills issued by the said governor and company.

* The word should be *in*. Vide etiam, 41 G. 3. (U. K.) c. 39. s. 3. accord.

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FURTHER

REPORT

FROM THE

SELECT COMMITTEE

ON

The Criminal Law of England.

Ordered, by The House of Commons, *to be Printed,*
7 *May* 1824.

1. (a.)—The consolidating process of the STOCK ENACTMENTS - p. 3.

1. (b.)—The consolidating process of Enactments relating to the Forgery of EXCHEQUER BILLS - - - - - p. 14.

(3.)—The consolidating process of the ARMY ENACTMENTS relating to Forgery - - - - - - - - ibid.

(4.)—The consolidating process of the NAVY ENACTMENTS relating to Forgery - - - - - - - - p. 16.

(5.)—The consolidating process of Enactments against Forgery, relating to the Courts of CHANCERY, EXCHEQUER, and ADMIRALTY - - - - - - - - p. 28.

(6.)—The consolidating process of Enactments against Forgery, relating to WOODS AND FORESTS - - - - p. 29.

(7.)—The consolidating process of Enactments against Forgery, relating to the LAND TAX - - - - - p. 30.

(8.)—The consolidating process of Enactments against Forgery, relating to the POST OFFICE - - - - - ibid.

(9.)—The consolidating process of Enactments against Forgery, relating to the ORDNANCE OFFICE - - - - p. 31.

(10.)—The consolidating process of Enactments against Forgery, relating to the ALIENATION OFFICE - - - - ibid.

(11.)—The consolidating process of the STAMP ENACTMENTS relating to Forgery - - - - - - - - p. 32.

(12.)—The consolidating process of the EXCISE AND CUSTOMS ENACTMENTS relating to Forgery - - - - p. 54.

1.—The consolidating process of the General Enactments;—and,
2.—The consolidating process of the Bank Enactments

} These are already in print.

FURTHER

REPORT

THE SELECT COMMITTEE appointed to consider the expediency of consolidating and amending the CRIMINAL LAW of *England*, and to report the same, with their Observations thereupon, to The House; and who were empowered to report their Opinion and Proceedings from time to time to The House;—HAVE made a further Progress in the matter to them referred; and have agreed to the following REPORT.

1. (a.)—The consolidating process of the STOCK ENACTMENTS.

SECTION I.

Enumeration.

THE Stock Enactments relating to Forgery are contained in—8 G. 1. c. 22. s. 1; 31 G. 2. c. 22. s. 77; 4 G. 3. c. 25. s. 15; 33 G. c. 30. s. 1, 2, 3, 4; 35 G. 3. c. 66. s. 4, 5. 7, 8, 9, 10; 37 G. 3. c. 46. s. 4, 5. 7, 8, 9, 10; 37 G. 3. c. 122. s. 1; 57 G. 3. c. 79. s. 13; 1 & 2 G. 4. c. 73. s. 15.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

1. Death, sans clergy, for forging any power to transfer stock, or to receive annuity or dividends; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have stock transferred, or annuity or dividend received under such forged power; and for personating the proprietor of stock annuity or dividend. 8 G. 1. c. 22. s. 1. 8 G. 1. c. 22. s. 1.

2. Death, sans clergy, for forging any power to transfer stock, or to receive annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have stock transferred, or annuity or dividend received under such forged power; and for personating the proprietor of stock, annuity or dividend. 31 G. 2. c. 22. s. 77. 31 G. 2. c. 22. s. 77.

3. Death, sans clergy, for forging any power to transfer stock or annuity, or to receive annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have stock or annuity transferred, or annuity or dividend received under such forged power; and for personating the proprietor of stock, annuity or dividend. 4 G. 3. c. 25. s. 15. 4 G. 3. c. 25. s. 15.

4. Death,

33 G. 3. c. 30. s. 1. 4. Death, sans clergy, for making a transfer in the Bank books of stock, annuity or other funds transferrable at the Bank, in the name of one not the proprietor. 33 G. 3. c. 30. s. 1.

33 G. 3. c. 30. s. 2. 5. Death, sans clergy, for forging a transfer of stock, annuity or other funds; and for uttering such forged transfer. 33 G. 3. c. 30. s. 2.

33 G. 3. c. 30. s. 3. 6. Death, sans clergy, for making a false entry, or altering an entry in the Bank books; and for falsifying the accounts therein. 33 G. 3. c. 30. s. 3.

33 G. 3. c. 30. s. 4. 7. Seven years transportation for a servant of the Bank making out a false dividend warrant. 33 G. 3. c. 30. s. 4.

35 G. 3. c. 66. s. 4. 8. Death, sans clergy, for forging any power to transfer *certain* stock or annuity, or to receive certain annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have *certain* stock or annuity transferred, or *certain* annuity or dividend received under such forged power; and for personating the proprietor of *certain* stock, annuity or dividend. 35 G. 3. c. 66. s. 4.

35 G. 3. c. 66. s. 5 9. Death, sans clergy, for forging certain dividend warrants or indorsement thereon; and for uttering the same; and for demanding the contents thereof. 35 G. 3. c. 66. s. 5.

35 G. 3. c. 66. s. 7 10. Death, sans clergy, for making a transfer in the Bank books, of certain stock or annuity, in the name of one not the proprietor. 35 G. 3. c. 66. s. 7.

35 G. 3. c. 66. s. 8. 11. Death, sans clergy, for forging transfers of certain stock or annuity; and for uttering the same. 35 G. 3. c. 66. s. 8.

35 G. 3. c. 66. s. 9. 12. Death, sans clergy, for making a false entry, or altering an entry in *certain* Bank books; and for falsifying the accounts therein. 35 G. 3. c. 66. s. 9.

35 G. 3. c. 66. s. 10. 13. Seven years transportation for a servant of the Bank making out a *certain* false dividend warrant. 35 G. 3. c. 66. s. 10.

37 G. 3. c. 46. s. 4. 14. Death, sans clergy, for forging any power to transfer *certain* stock or annuity; or to receive *certain* annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have *certain* stock or annuity transferred, or certain annuity or dividend received under such forged power; and for personating the proprietor of *certain* stock, annuity or dividend. 37 G. 3. c. 46. s. 4.

37 G. 3. c. 46. s. 5. 15. Death, sans clergy, for forging *certain* dividend warrants, or indorsement thereon; and for uttering the same; and for demanding the contents thereof. 37 G. 3. c. 46. s. 5.

37 G. 3. c. 46 s. 7. 16. Death, sans clergy, for making a transfer in the Bank books of *certain* stock or annuity, in the name of one not the proprietor. 37 G. 3. c. 46. s. 7.

37 G. 3. c. 46. s. 8. 17. Death, sans clergy, for forging transfers of *certain* stock or annuity; and for uttering the same. 37 G. 3. c. 46. s. 8.

37 G. 3. c. 46. s. 9. 18. Death, sans clergy, for making a false entry, or altering an entry in *certain* Bank books; and for falsifying the accounts therein. 37 G. 3. c. 46. s. 9.

37 G. 3. c. 46. s. 10. 19. Seven years transportation, for a servant of the Bank making out a *certain* false dividend warrant. 37 G. 3. c. 46. s. 10.

37 G 3. c. 122. s. 1. 20. Felony, with seven years transportation, or other lesser punishment, for forging an attestation to a power to transfer stock, annuity or other funds, or to receive dividends; and for uttering the same. 37 G. 3. c. 122. s. 1.

57 G. 3. c. 79. s. 13. 21. Death, sans clergy, for forging certain certificates or duplicate certificates; and for uttering the same. 57 G. 3. c. 79. s. 13.

1 & 2 G. 4. c. 73. s. 15. 22. Death, sans clergy, for forging certain certificates or duplicate certificates; and for uttering the same. 1 & 2 G. 4. c. 73. s. 15.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The Enactments having been analyzed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

Principal Divisions.

It appears from the Analysis, that the provisions under consideration are, some general, some particular; general, or those which relate to every description of Funded Property; particular, or those which relate to Funded Property of a certain description only. And in this order, taking the number prefixed to each placitum in the Analysis as the representative of the provision noticed in that placitum, they are thus arranged:—

I. *General Provisions*, 1, 2, 3, 4, 5, 6, 7. 20.

II. *Particular Provisions*, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19. 21, 22.

Subordinate Divisions.

I. *As to the General Provisions:*—It appears from the Analysis, that the General Provisions relate to, 1° *Forging Powers*; *demanding or endeavouring to have transfers or payments, and personating another*; 2° *Forging Attestations to Powers*; 3° *Making Transfers in another's name*; 4° *Forging and Uttering Forged Transfers*; 5° *Making False Entries in and Falsifying the Bank Books*; 6° *Making out False Dividend Warrants.* Hence, six *Subordinate Divisions of Arrangement.* And in this order, taking the number prefixed to each placitum in the Analysis as the representative of the provision noticed in that placitum, they are thus subdivided:—

1° *Forging Powers*; *demanding or endeavouring to have Transfers or Payments*; *and personating another*—1 (8 G. 1. c. 22. s. 1.) 2 (31 G. 2. c. 22. s. 77.) 3 (4 G. 3. c. 25. s. 15.)

2° *Forging Attestations to Powers*—20 (37 G. 3. c. 122. s. 1.)

3° *Making Transfers in another's Name*—4 (33 G. 3. c. 30. s. 1.)

4° *Forging and Uttering Forged Transfers*—5 (33 G. 3. c. 30. s. 2.)

5° *Making False Entries in and Falsifying the Bank Books*—6 (33 G. 3. c. 30. s. 3.)

6° *Making out False Dividend Warrants*—7 (33 G. 3. c. 30. s. 4.)

II. *As to the particular Provisions:*—It appears from the Analysis, that the particular provisions relate to; 1° *Forging Powers*; *demanding or endeavouring to have Transfers or Payments*; *and personating another*; 2° *Forging Dividend Warrants*; *uttering the same*; *and demanding the Contents thereof*; 3° *Making Transfers in another's Name*; 4° *Forging and uttering forged Transfers*; 5° *Making false Entries in and falsifying the Bank Books*; 6° *Making out false Dividend Warrants*; 7° *Forging certain Certificates*; *and uttering the same.* Hence seven subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis, as the representative of the provision noticed in that placitum, they are thus subdivided:—

1° *Forging Powers*; *demanding or endeavouring to have Transfers or Payments*; *and personating*—8 (35 G. 3. c. 66. s. 4.) 14 (37 G. 3. c. 46. s. 4.)

2° *Forging Dividend Warrants*; *uttering the same*; *and demanding the Contents thereof*—9 (35 G. 3. c. 66. s. 5.) 15 (37 G. 3. c. 46. s. 5.)

3° *Making Transfers in another's Name*—10 (35 G. 3. c. 66. s. 7.) 16 (37 G. 3. c. 46. s. 7.)

4° *Forging and uttering forged Transfers*—11 (35 G. 3. c. 66. s. 8.) 17 (37 G. 3. c. 46. s. 8.)

5° *Making false Entries in, and falsifying the Bank Books*—12 (35 G. 3. c. 66. s. 9.) 18 (37 G. 3. c. 46. s. 9.)

6° *Making out false Dividend Warrants*—13 (35 G. 3. c. 66. s. 10.) 19 (37 G. 3. c. 46. s. 10.)

7° *Forging certain Certificates; and uttering the same*—21 (57 G. 3. c. 79. s. 13.) 22 (1 & 2 G. 4. c. 73. s. 15.)

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

The arrangement being completed, and provisions having an affinity to each other being, through its agency, brought into juxta position, the next step is to ascertain what influence subsequent have had upon antecedent provisions:

And, **First**, in relation to the General Provisions:

1°. *Forging Powers; demanding or endeavouring to have Transfers or Payments; and personating another*—1 (8 G. 1. c. 22. s. 1.) 2 (31 G. 2. c. 22. s. 77.) 3 (4 G. 3. c. 25. s. 15).

8 G. 1. c. 22. s. 1.

[8 G. 1. c. 22. s. 1.]—Whereas of late divers frauds and abuses have been committed by forging and counterfeiting the hands of some of the proprietors of the shares of and in the capital stock and funds of such body or bodies politick or corporate as are established by act or acts of parliament in that behalf, or some of them, or by forging or counterfeiting the hands of persons entitled to the dividends attending the said shares, or some of them, or by forging or counterfeiting the hands of persons entitled to annuities, in respect whereof the proprietors have transferrable shares in a capital stock or stocks established by act or acts of parliament, in proportion to their respective annuities; and divers frauds and abuses have been or may be committed by persons falsely and deceitfully personating the true and real proprietors of the said shares in stock, annuities and dividends, or some of them: Now for the better preventing such pernicious practices for the future, be it enacted, that[1] if any person or persons whatsoever shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument, to transfer, assign, sell or convey any such share or shares[2], or any part of such share or shares[3] of and in such capital stock or stocks[4] as aforesaid, or any of them[5]; or to receive any such annuity or annuities, dividend or dividends as aforesaid, or any of them, or any part thereof[6]; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the proprietors of any[7] such share or shares in stock, or of any the persons entitled to any such annuity or annuities, dividend or dividends as aforesaid[8], in or to any such pretended letter of attorney, instrument or authority, or shall knowingly and fraudulently demand or endeavour to have[9] any such share or shares in stock, or any part thereof[10], transferred, assigned, sold or conveyed[11], or such annuity or annuities, dividend or dividends, or any part thereof[12], to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument; or shall falsely and deceitfully personate any true and real proprietors[13] of the said shares in stock, annuities and dividends, or any of them, or any part thereof[14], and thereby transferring, or endeavouring to transfer the stock, or receiving or endeavouring to receive the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then and in every or any such case, all and every such person and persons, being thereof lawfully convicted in due form of law, shall be adjudged guilty of felony, and shall suffer, as in cases of felony, without benefit of clergy[15].

[31 G. 2.

[31 G. 2. c. 22. s. 77.]—And whereas doubts may arise whether the punishment inflicted in and by the 8 G. 1. c. 22. on persons guilty of the several species of forgery, and other offences therein mentioned, extends to the commission of the like forgery and offences in relation to such capital stocks and funds as have been established by the authority of parliament, since the passing of the said act, and may be hereafter established; Be it therefore enacted, that[1] if any person or persons whatsoever shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument, to transfer, assign, sell or convey any share or shares[2], or any part of any share or shares[3] of or in any such capital stock or funds[4] of any body or bodies politic or corporate established, or which shall be established by any act or acts of parliament[5]; or to receive any dividend or dividends attending any share or shares, or any part of any share or shares, of or in any such capital stock or funds as aforesaid; or to receive any annuity or annuities, in respect whereof any proprietor or proprietors have or shall have any transferrable share or shares of or in any capital stock or stocks which now are or hereafter shall be established by any act or acts of parliament, in proportion to their respective annuities[6]; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the proprietors of any[7] such share or shares in stock, or of any the persons entitled to any such annuity or annuities, dividend or dividends as aforesaid[8], in or to any such pretended letter of attorney, instrument or authority; or shall knowingly or fraudulently demand or endeavour to have[9] any such share or shares in stock, or any part thereof[10], transferred, assigned, sold or conveyed[11], or such annuity or annuities, dividend or dividends, or any part thereof[12], to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument; or shall falsely and deceitfully personate any true and real proprietors[13] of the said shares in stock, annuities and dividends, or any of them, or any part thereof[14], and thereby transferring or endeavouring to transfer the stock, or receiving or endeavouring to receive the money, of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then and in every or any such case, all and every such person and persons, being thereof lawfully convicted in due form of law shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy[15].

31 G. 2. c. 22. s. 77.

It appears from the notes to the 31 G. 2. c. 22. s. 77, that its provisions are more extensive than those of the 8 G. 1. c. 22. s. 1. The 8 G. 1. c. 22. s. 1, therefore, may be considered as merged in the 31 G. 2. c. 22. s. 77.

Influence of the 31 G. 2. c. 22. s. 77. upon the 8 G. 1. c. 22. s. 1.

[4 G. 3. c. 25. s. 15.]—And whereas it is necessary that provision should be made for more effectually preventing the forging powers to transfer any such stock, or to receive such dividends or annuities as are hereinafter mentioned,

4 G. 3. c. 25. s. 15.

Notes to 31 *G.* 2. *c.* 22. *s.* 77.

[1] Since the preamble of the 31 G. 2, and which defines its subject matter), is more extensive than the preamble of the 8 G. 1, (and which, in like manner, defines its subject matter); the latter being limited to Stocks and Funds then existing, the former extending to all that may hereafter exist, as well as to those then existing; the 31 G. 2. is more extensive than the 8 G. 1.

[2] The same as [2] in 8 G. 1.

[3] Equivalent to [3] in 8 G. 1.

[4] Equivalent to [4] in 8 G. 1.

[5] More extensive than [5] in 8 G. 1. Vide supra, note [1].

[6] More extensive than [6] in 8 G. 1. Vide supra, note [1].

[7] The same as [7] in 8 G. 1.

[8] More extensive than [8] in 8 G. 1. Vide supra, note [1].

[9] Equivalent at least to [9] in 8 G. 1.

[10] More extensive than [10] in 8 G. 1. Vide supra, note [1].

[11] The same as [11] in 8 G. 1.

[12] More extensive than [12] in 8 G. 1. Vide supra, note [1].

[13] The same as [13] in 8 G. 1.

[14] More extensive than [14] in 8 G. 1. Vide supra, note [1].

[15] Equivalent to [16] in 8 G. 1.

and the fraudulent personating thereof; Be it enacted, that [1] if any person or persons whatsoever shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney or other authority or instrument, to transfer, assign, sell or convey, any share or shares [2], or any part of any share or shares [3], of and in any capital stock or stocks [4], of any body or bodies politic or corporate, which now are or hereafter shall be established by any act or acts of parliament [5]; or any share or shares, or any part of any share or shares, of and in any annuities in respect whereof the proprietors of such annuities have or shall have transferrable shares in any capital stock or stocks now established, or which shall hereafter be established by any act or acts of parliament, in proportion to their respective annuities; or any share or shares, or any part of any share or shares, of or in any other transferrable annuities which now are or hereafter shall be established by any act or acts of parliament; or to receive any such annuity or annuities, or any dividend or dividends attending such shares, or any of them, or any part thereof [6]; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the proprietors of any [7] such share or shares in stock, or of any the persons entitled to any such annuity or annuities, dividend or dividends, as aforesaid [8], in or to any such pretended letter of attorney, instrument or authority; or shall knowingly and fraudulently demand, or endeavour to have [9] any such share or shares in stock or annuities, or any part thereof [10] transferred, assigned, sold or conveyed [11], or such annuity or annuities, dividend or dividends, or any part thereof [12], to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument; or shall falsely and deceitfully personate any true and real proprietor [13] of the said shares in stock, annuities and dividends, or any of them, or any part thereof [14], and thereby transferring or endeavouring to transfer the stock or annuities, or receiving or endeavouring to receive the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then and in every or any such case, all and every such person and persons, being thereof lawfully convicted in due form of law, shall be adjudged guilty of felony, and shall suffer as in cases of felony without benefit of clergy [15].

Influence of the 4 G. 3. c. 25. s. 15. upon the 31 G. 2. c. 22. s. 77.

It appears from the notes to the 4 G. 3. c. 25, s. 15, that its provisions are more extensive than those of the 31 G. 2. c. 22. s. 77. The 31 G. 2. c. 22. s. 77, therefore, may be considered as merged in the 4 G. 3. c. 25. s. 15.

2° *Forging Attestations to Powers*—20 (37 G. 3. c. 122. s. 1.)

37 G. 3. c. 122. s. 1.

Since there is a single provision only under this division of the subject, it is unnecessary to give any details.

3° *Making Transfers in another's Name*—4 (33 G. 3. c. 30. s. 1.)

33 G. 3. c. 30. s. 1.

Since there is a single provision only under this division of the subject, it is unnecessary to give any details.

Notes to 4 G. 3. c. 25. s. 15.

[1] Since the preamble merely refers to the subsequent parts of the enactment, it may be laid out of consideration.
[2] The same as [2] in 4 G. 3.
[3] The same as [3] in 4 G. 3.
[4] Equivalent to [4] in 4 G. 3.
[5] Equivalent to [5] in 4 G. 3.
[6] More extensive than [6] in 4 G. 3.
[7] The same as [7] in 4 G. 3.
[8] The same as [8] in 4 G. 3.
[9] Equivalent to [9] in 4 G. 3. The expression in 4 G. 3. is "knowingly *or* fraudulently."
[10] *Semble*, more extensive than [10] in 4 G. 3.
[11] The same as [11] in 4 G. 3.
[12] The same as [12] in 4 G. 3.
[13] Equivalent to [13] in 4 G. 3. "Proprietors" is the word in 4 G. 3.
[14] The same as [14] in 4 G. 3.
[15] *Semble*, more extensive than [16] in 4 G. 3.

4° *Forging and uttering forged Transfers*—5 (33 G. 3. c. 30. s. 2.)

Since there is a single provision only under this division of the subject, it is unnecessary to give any details. 33 G. 3. c. 30. s. 2.

5° *Making false Entries in and falsifying the Bank Books*—6 (33 G. 3. c. 30. s. 3.)

Since there is a single provision only under this division of the subject, it is unnecessary to give any details. 33 G. 3. c. 30. s. 3.

6° *Making out false Dividend Warrants*—7 (33 G. 3. c. 30. s. 4.)

Since there is a single provision only under this division of the subject, it is unnecessary to give any details. 33 G. 3. c. 30. s. 4.

Secondly, in relation to the particular Provisions:—

1° *Forging Powers*; *demanding or endeavouring to have Transfers or Payments*; *and personating another*—8 (35 G. 3. c. 66. s. 4.) 14 (37 G. 3. c. 46. s. 4.)

[35 G. 3. c. 66. s. 4.]—If any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument to transfer, assign, sell or convey any part or share of or in the principal sums or stock, or the annuities by this act made or declared transferrable at the Bank of England, or to receive any annuity or annuities, or interest, or dividend or dividends, in pursuance of this act payable at the Bank of England, or any part thereof; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the proprietor or proprietors of any such part or share of or in such principal sums or stock or annuities, interest, dividend or dividends as aforesaid, in or to any such pretended letter of attorney, instrument or authority, or shall knowingly and fraudulently demand, or endeavour to have any such part or share of or in such principal sums or stock, or annuities, interest, dividend or dividends, or any part thereof, transferred, assigned, sold or conveyed, or such annuity or annuities, interest, dividend or dividends, or any part thereof, to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument; or shall falsely and deceitfully personate any true and real proprietor or proprietors of the said shares of or in the said principal sums or stock, annuities, interest, dividend or dividends, or any of them, or any part thereof, and thereby transferring or endeavouring to transfer any part or share of or in the said principal sums or stock or annuities, or receiving or endeavouring to receive the money of such true and lawful proprietor or proprietors, as if such offender or offenders were the true and lawful owner or owners thereof, then and in every or any such case such offender or offenders shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy. 35 G. 3. c. 66. s. 4.

[37 G. 3. c. 46. s. 4.]—If any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument, to transfer, assign, sell or convey any part or share of or in the principal sums or stock, or the annuities by this act made or declared transferrable at the Bank of England, or to receive any annuity or annuities, or interest, or dividend or dividends, in pursuance of this act, payable at the Bank of England, or any part thereof; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the proprietor or proprietors of 37 G. 3. c. 46. s. 4.

any such part or share of or in such principal sum or stock, or annuities, interest, dividend or dividends as aforesaid, in or to any such pretended letter of attorney, instrument or authority; or shall knowingly and fraudulently demand or endeavour to have any such part or share of or in such principal sum or stock, or annuities, interest, dividend or dividends, or any part thereof, transferred, assigned, sold or conveyed, or such annuity or annuities, interest, dividend or dividends, or any part thereof, to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument, or shall falsely and deceitfully personate any true and real proprietor or proprietors of the said shares of or in the said principal sum or stock, annuities, interest, dividend or dividends, or any of them, or any part thereof, and thereby transferring or endeavouring to transfer any part or share of or in the said principal sum or stock or annuities, or receiving or endeavouring to receive the money of such true and lawful proprietor or proprietors, as if such offender or offenders were the true and lawful owner or owners thereof, then and in every or any such case such offender or offenders shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy [1].

2° *Forging Dividend Warrants; uttering the same; and demanding the contents thereof*—9 (35 G. 3. c. 66. s. 5.) 15 (37 G. 3. c. 46. s. 5.)

35 G. 3. c. 66. s. 5.

[35 G. 3. c. 66. s. 5.]—If any person or persons shall forge, counterfeit or alter any dividend warrant, or warrant for payment of any annuity, interest or money payable in pursuance of this act at the Bank of England, or any indorsement thereon; or shall offer or dispose of or put away any such forged, counterfeited or altered dividend warrant, or warrant for payment of any annuity, interest or money payable as aforesaid, or the indorsement thereon; or demand the money therein contained, or pretended to be due thereon, or any part thereof, of the said Governor and Company of the Bank of England, or any their officers or servants, knowing such dividend warrant, or warrant for payment of any annuity, interest or money payable as aforesaid, or the indorsement thereon, to be forged, counterfeited or altered, with intent to defraud the said Governor and Company of the Bank of England, or their successors, or any other body politic or corporate, or any person or persons whatsoever, every person or persons so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy.

37 G. 3. c. 46. s. 5.

[37 G. 3. c. 46. s. 5.]—If any person or persons shall forge, counterfeit or alter any dividend warrant, or warrant for payment of any annuity, interest, or money payable in pursuance of this act at the Bank of England, or any indorsement thereon; or shall offer or dispose of or put away any such forged, counterfeited or altered dividend warrant, or warrant for payment of any annuity, interest or money payable as aforesaid, or the indorsement thereon; or demand the money therein contained, or pretended to be due thereon, or any part thereof, of the said Governor and Company of the Bank of England, or any their officers or servants, knowing such dividend warrant, or warrant for payment of any annuity, interest or money payable as aforesaid, or the indorsement thereon, to be forged, counterfeited or altered, with intent to defraud the said Governor and Company of the Bank of England, or their successors, or any other body politic or corporate, or any person or persons whatsoever, every person or persons so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy [1].

3° *Making*

Note to 37 G. 3. c. 46. s. 4.

[1] The phraseology of the 37 G. 3. is similar or equivalent to the phraseology of the 35 G. 3. c. 66. s. 4.

Note to 37 G. 3. c. 46. s. 5.

[1] The phraseology of the 37 G. 3. is equivalent or similar to the phraseology of the 35 G. 3. c. 66. s. 5.

3° *Making Transfers in another's Name*—10 (35 G. 3. c. 66. s. 7.) 16 (37 G. 3. c. 46. s. 7.)

[35 G. 3. c. 66. s. 7.]—If any person or persons shall wilfully make or assist in making any transfer of any interest, part or share of or in any principal sums or stock, annuity or annuities, by this act made or declared transferrable at the Bank of England, in any of the books of the said Governor and Company of the Bank of England, in which transfers of principal sums, stock or annuities as aforesaid are or in pursuance of this act shall be made in the name or names of any person or persons not being the owner or owners, or proprietor or proprietors, of such principal sums or stock, or annuity or annuities transferrable as aforesaid, with intent to defraud the said Governor and Company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, such person or persons so making or assisting in making such transfer as aforesaid shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy. 35 G. 3. c. 66. s. 7.

[37 G. 3. c. 46. s. 7.]—If any person or persons shall wilfully make or assist in making any transfer of any interest, part or share of or in any principal sum or stock, annuity or annuities, by this act made or declared transferrable at the Bank of England, in any of the books of the said Governor and Company of the Bank of England, in which transfers of principal sums, stock or annuities as aforesaid, are or in pursuance of this act shall be made in the name or names of any person or persons not being the owner or owners, or proprietor or proprietors, of such principal sum or stock, or annuity or annuities transferrable as aforesaid, with intent to defraud the said Governor and Company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, such person or persons so making or assisting in making such transfer as aforesaid, shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy [1]. 37 G. 3. c. 46. s. 7.

4° *Forging and uttering forged Transfers*—11 (35 G. 3. c. 66. s. 8.) 17 (37 G. 3. c. 46. s. 8.)

[35 G. 3. c. 66. s. 8.]—If any person or persons whatsoever shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or shall wilfully act or assist in the false making, forging or counterfeiting of any transfer of any interest, part or share of or in any principal sums or stock, or annuity or annuities by this act made or declared transferrable at the Bank of England, or shall utter or publish as true any such false, forged or counterfeited transfer as aforesaid, knowing the same to be false, forged or counterfeited, with intent to defraud the said Governor and Company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, all and every person or persons whatsoever so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy. 35 G. 3. c. 66. s. 8.

[37 G. 3. c. 46. s. 8.]—If any person or persons whatsoever shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or shall wilfully act or assist in the falsely making, forging or counterfeiting of any transfer of any interest, part or share of or in any principal sum or stock, or annuity or annuities by this act made or declared transferrable at the Bank of England, or shall utter or publish as true any such false, forged or counterfeited transfer as aforesaid, knowing the same to be false, forged or counterfeited, with intent to defraud the said Governor and Company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, all and every person or persons whatsoever so offending shall be 37 G. 3. c. 46. s. 8.

Note to 37 G. 3. c. 46. s. 7.

[1] The phraseology of the 37 G. 3. is equivalent or similar to the phraseology of the 35 G. 3. c. 66. s. 7.

be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy [1].

5° *Making false Entries in, and falsifying the Bank Books*—12 (35 G. 3. c. 66. s. 9.) 18 (37 G. 3. c. 46. s. 9.)

35 G. 3. c. 66. s. 9.

[35 G. 3. c. 66. s. 9.]—If any person or persons whatsoever shall wilfully make or assist in making any false entry, or shall wilfully alter or assist in altering any word or figure in any entry in the books of account kept, or in pursuance of this act to be kept, by the said Governor and Company of the Bank of England, wherein the several accounts of the owners or proprietors of principal sums or stock, or annuities by this act made or declared transferrable at the Bank of England, are or in pursuance of this act shall be entered and kept, or shall in any manner wilfully falsify the account or accounts of any such owner or proprietor in the books of the said Governor and Company, wherein such accounts are or in pursuance of this act shall be entered and kept, with intent to defraud the said Governor and Company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, every such person or persons so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy.

37 G. 3. c. 46. s. 9.

[37 G. 3. c. 46. s. 9.]—If any person or persons whatsoever shall wilfully make or assist in making any false entry, or shall wilfully alter or assist in altering any word or figure in any entry in the books of account kept, or in pursuance of this act to be kept, by the said Governor and Company of the Bank of England, wherein the several accounts of the owners or proprietors of principal sums or stock, or annuities by this act made or declared transferrable at the Bank of England, are or in pursuance of this act shall be entered and kept, or shall in any manner wilfully falsify the account or accounts of any such owner or proprietor in the books of the said Governor and Company, wherein such accounts are or in pursuance of this act shall be entered and kept, with intent to defraud the said Governor and Company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, every such person or persons so offending shall be deemed guilty of felony, and shall suffer death as a felon or felons, without benefit of clergy [1].

6° *Making out false Dividend Warrants*—13 (35 G. 3. c. 66. s. 10.) 19 (37 G. 3. c. 46. s. 10.)

35 G. 3. c. 66. s. 10.

[35 G. 3. c. 66. s. 10.]—And whereas in order to cover and conceal forgeries and frauds in transfers, dividend warrants have been sometimes made out for different sums than the sums really due; be it therefore enacted, that if any clerk, officer or servant of, or other person or persons employed or intrusted by the said Governor and Company, shall knowingly or wilfully make out or deliver, or cause or procure to be made out or delivered, or wilfully act or assist in the making out or delivering of any dividend warrant, or warrant for payment of any annuity or interest, or money payable in pursuance of this act at the Bank of England, for a greater or less amount than the person or persons on whose behalf or pretended behalf such dividend warrant, or warrant for payment of any annuity or interest, or money payable as aforesaid, shall be made out, is or are entitled to, with intent to defraud the said Governor and Company of the Bank of England, or any other body politic or corporate, or any

Note to 37 G. 3. c. 46. s. 8.

[1] The phraseology of the 37 G. 3. is similar or equivalent to the phraseology of the 35 G. 3. c. 66. s. 8.

Note to 37 G. 3. c. 46. s. 9.

[1] The phraseology of the 37 G. 3. c. 46. s. 9. is similar or equivalent to the phraseology of the 35 G. 3. c. 66. s. 9.

any person or persons whatsoever, all and every such person or persons so offending, being in due form of law convicted of any such offence or offences as aforesaid, shall be transported for seven years.

[37 G. 3. c. 46. s. 10.]—And whereas in order to cover and conceal forgeries and frauds in transfers, dividend warrants have been sometimes made out for different sums than the sums really due; be it therefore enacted, that if any clerk, officer or servant of, or other person or persons employed or intrusted by the said Governor and Company, shall knowingly or wilfully make out or deliver, or cause or procure to be made out or delivered, or wilfully act or assist in the making out or delivering of any dividend warrant, or warrant for payment of any annuity or interest, or money payable in pursuance of this act at the Bank of England, for a greater or less amount than the person or persons on whose behalf or pretended behalf such dividend warraant, or warrant for payment of any annuity or interest, or money payable as aforesaid, shall be made out, is or are entitled to, with intent to defraud the said Governor and Company of the Bank of England, or any other body politic or corporate, or any person or persons whatsoever, all and every such person or persons so offending being in due form of law convicted of any such offence or offences as aforesaid, shall be transported for seven years[1]. 37 G. 3. c. 46. s. 10.

7° *Forging certain Certificates*; *and uttering the same*—21 (57 G. 3. c. 79. s. 13.) 22 (1 & 2 G. 4. c. 73. s. 15.)

[57 G. 3. c. 79. s. 13.]—If any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting any such certificate, or duplicate certificate, or shall alter any number, figure or word therein; or shall utter or publish as true any such false, forged, counterfeited or altered certificate, with intent to defraud the Governor and Company of the Bank of England, or the Governor and Company of the Bank of Ireland, or any body politic or corporate, or any person or persons whatsoever; every such person or persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering or publishing as aforesaid, being thereof convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy. 57 G. 3. c. 9. s. 13.

[1 & 2 G. 4. c. 73. s. 15.]—If any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting any such certificate, or duplicate certificate, or shall alter any number, figure or word therein; or shall utter or publish as true any such false, forged, counterfeited or altered certificate, with intent to defraud the Governor and Company of the Bank of Ireland, or the Governor and Company of the Bank of England, or any body politic or corporate, or any person or persons whomsoever; every such person or persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering or publishing as aforesaid, being thereof convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy[1]. 1 & 2 G. 4. c. 73. s. 15.

It has appeared from the note to the 37 G. 3. c. 46. s. 4, that its phraseology is similar or equivalent to the phraseology of the 35 G. 3. c. 66. s. 4; for which Influence of the 37 G. 3. c. 46. s. 4. upon the 35 G. 3. c. 66. s. 4.

Note to 37 G. 3. c. 46. s. 10.

[1] The phraseology of the 37 G. 3. c. 46. s. 10. is similar or equivalent to the phraseology of the 35 G. 3. c. 66. s. 10.

Note to 1 & 2 G. 4. c. 73. s. 15.

[1] The phraseology of the 1 & 2 G. 4. c. 73. s. 15. is equivalent or similar to the phraseology of the 57 G. 3. c. 79. s. 13.

which reason, notwithstanding the 37 G. 3, relates to a different subject to the 35 G. 3, and so can have no influence thereon, yet may one enactment be substituted for the two.

Influence of the 37 G. 3. c. 46. s. 5. upon the 35 G. 3. c. 66. s. 5.

The same observation, changing what should be changed, may be applied to the 35 G. 3. c. 66. s. 5, and 37 G. 3. c. 46. s. 5.

Influence of the 37 G. 3. c. 46, s. 7. upon the 35 G. 3. c. 66. s. 7.

So, likewise, to the 35 G. 3. c. 66. s. 7, and 37 G. 3. c. 46. s. 7.

Influence of the 37 G. 3. c. 46. s. 8. upon the 35 G. 3. c. 66. s. 8.

So, likewise, to the 35 G. 3. c. 66. s. 8, and 37 G. 3. c. 46. s. 8.

Influence of the 37 G. 3. c. 46. s. 9. upon the 35 G. 3. c. 66. s. 9.

So, likewise, to the 35 G. 3. c. 66. s. 9, and 37 G. 3. c. 46. s. 9.

Influence of the 37 G. 3. c. 46. s. 10. upon the 35 G. 3. c. 66. s. 10.

So, likewise, to the 35 G. 3. c. 66. s. 10, and 37 G. 3. c. 46. s. 10.

Influence of the 1 & 2 G. 4. c. 73. s. 15. upon the 57 G. 3. c. 79. s. 13.

So, likewise, to the 57 G. 3. c. 79. s. 13, and 1 & 2 G. 4. c. 73. s. 15.

The enactments, therefore, relating to this subject, now in force are—4 G. 3. c. 25. s. 15; 33 G. 3. c. 30. s. 1, 2, 3, 4; 35 G 3. c. 66. s. 4; 35 G. 3. c. 66. s. 5; 35 G. 3. c. 66. s. 7; 35 G. 3. c. 66. s. 8; 35 G. 3. c. 66. s. 9; 35 G. 3. c. 66. s. 10; 37 G. 3. c. 46. s. 4; 37 G. 3. c. 46. s. 5; 37 G. 3. c. 46. s. 7; 37 G. 3. c. 46. s. 8; 37 G. 3. c. 46. s. 9; 37 G. 3. c. 46. s. 10; 37 G. 3. c. 122. s. 1; 57 G. 3. c. 79. s. 13; 1 & 2 G. 4. c. 73. s. 15.

These, therefore, are to be consolidated.

1. (b.)—The consolidating process of Enactments relating to the FORGERY OF EXCHEQUER BILLS.

SECTION I.

Enumeration.

THE Enactments relating to the Forgery of Exchequer Bills are contained in the 48 G. 3. c. 1. s. 9.

And since, therefore, all the enactments connected with this subject are contained in one and the same statute, they are not the subjects of consolidation.

(3.)—The consolidating process of the ARMY ENACTMENTS RELATING TO FORGERY.

SECTION I.

Enumeration.

THE Army Enactments relating to Forgery are contained in—22 G. 3. c. 81. s. 9; 54 G. 3. c. 86. s. 43.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

1. Death, sans clergy, for forging the name of the paymaster-general of the forces, or of his deputy, to any writing, in order to obtain money in the Bank; and for forging his draft; and for uttering any such. 22 G. 3. c. 81. s. 9 *. 22 G. 3. c. 81. s. 9.

2. Death, sans clergy, for personating any one entitled to pay, &c. or his representative, wife, relation or creditor; and for forging any power or authority to receive such pay, &c.; and for taking a false oath to obtain probate or administration to receive such pay, &c.; and for uttering any forged power or authority to receive such pay, &c. 54 G. 3. c. 86. s. 43. 54 G. 3. c. 86. s. 43.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The enactments having been analysed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

But since the analysis shews that there are two enactments only to be consolidated, no arrangement can be requisite.

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

[22 G. 3. c. 81. s. 9.]—If any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting the name or hand of the paymaster-general of his Majesty's forces for the time being, or of his deputy, to any draft, cheque, paper, instrument or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England, on account of the paymaster-general of his Majesty's forces, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly or wilfully act or assist in forging or counterfeiting any draft, cheque, paper, instrument or writing in form of a draft, made by such paymaster-general of his Majesty's forces, or his deputy, or shall utter or publish any such, knowing the same to be forged or counterfeited, with intention to defraud any person whatsoever, every such person and persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy. 22 G. 3. c. 81. s. 9.

[54 G. 3. c. 86. s. 43.]—Whosoever willingly and knowingly shall personate or falsely assume the name or character of, or procure any other to personate or falsely to assume the name or character of any officer, soldier, or other person entitled or supposed to be entitled to any wages, pay or other allowances of money or prize money for service done in his Majesty's army, or the executor 54 G. 3. c. 86. s. 43.

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* The 22 G. 3. c. 81. was repealed by the 23 G. 3. c. 50. but the 23 G. 3. c. 50. was itself repealed by the 45 G. 3. c. 58. without the customary exception, in as far as it had repealed any prior enactment. Hence the 22 G. 3. c. 81. revived; and it is observable, that the 22 G. 3. c. 81. and the 23 G. 3. c. 50. are the only acts which specifically protect the paymasters signature, &c. from being forged.

executor or administrator, wife, relation or creditor of any such officer, soldier or other person, in order to receive any wages, pay or other allowances of money or prize money due or supposed to be due or payable for or on account of the services of any such officer or soldier, or other person as aforesaid; or shall forge or counterfeit, or procure to be forged or counterfeited, or aid or assist in forging or counterfeiting any letter of attorney, bill, ticket, order, certificate, assignment, last will, or any other power or authority whatsoever, in order to receive any such wages, pay or other allowances of money or prize money which shall be due or be supposed to be due to any such officer or soldier, or other person as aforesaid; or shall willingly and knowingly take a false oath, or procure any other person to take a false oath, to obtain the probate of any will or wills, or to obtain letters of administration in order to receive the payment of any wages, pay or other allowances of money or prize money which shall be due or be supposed to be due to any such officer, soldier or other person as aforesaid, who shall have really served or shall be supposed to have served in his Majesty's army; or if any person shall, from and after the passing of this act, utter or publish as true, or shall aid or assist in uttering or publishing as true, or shall cause or procure to be uttered or published as true, any false, forged or counterfeited letter of attorney, bill, ticket, order, certificate, or assignment, last will, or any other power or authority whatsoever, in order to receive any wages, pay or other allowances of money or prize money due or supposed to be due to any officer or soldier, or other person who shall have really served or shall be supposed to have served, or shall hereafter serve or be supposed to have served in his Majesty's army, with intent to defraud any person or corporation whatsoever, knowing the same to be false, forged or counterfeited, every such person being thereof lawfully convicted shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Consolidation.

It appears from a perusal of the Enactments, that they admit of being consolidated. But greater distinctness will be secured by keeping them separate.

(4.)—The consolidating process of the NAVY ENACTMENTS RELATING TO FORGERY.

SECTION I.

Enumeration.

THE Navy Enactments relating to Forgery are contained in—1 G. 1. st. 2. c. 25. s. 6; 3 G. 3. c. 16. s. 6; 25 G. 3. c. 31. s. 10; 32 G. 3. c. 33, s. 23; 54 G. 3. c. 93. s. 89; 54 G. 3. c. 110. s. 6; 55 G. 3. c. 60. s. 29, 30. 32; 57 G. 3. c. 127. s. 4; 59 G. 3. c. 56. s. 18; 1 & 2 G. 4. c. 49. s. 3, 4.

SECTION II.

Analysis of the Enumerated Enactments, to shew what Enactments have an Affinity, and are Related to each other.

1 G. 1. st. 2. c. 25. s. 6.

1. Offenders may be held to bail for forging the hands of the treasurer, &c. of the navy to any bill, ticket or other papers, by virtue whereof the king's naval treasure is or may be disposed of; and for uttering the same. 1 G. 1. st. 2. c. 25. s. 6.

2. Protection

2. Protection of those sued for enforcing this act. 1 G. 1. st. 2. c. 25. s. 16. — 1 G. 1. st. 2. c. 25. s. 16.

2 *. Death, sans clergy, for personating a Greenwich outpensioner. 3 G. 3. c. 16. s. 6. — 3 G. 3. c. 16. s. 6.

3. Death, sans clergy, for forging the name of the treasurer of the navy, or authorized person, to any writing, to obtain money deposited in the Bank; and for forging his draft; and for uttering any such. 25 G. 3. c. 31. s. 10. — 25 G. 3. c. 31. s. 10.

4. Death, sans clergy, for forging tickets for dues or duplicates thereof, or certificate of discharge, or remittance bill or duplicate thereof; and for uttering any such. 32 G. 3. c. 33. s. 23. — 32 G. 3. c. 33. s. 23.

5. Death, sans clergy, for personating one entitled to naval dues, or his representative, relation or creditor; and for forging any authority to receive such dues; and for taking a false oath to obtain probate or administration in order to obtain such dues; and for uttering such forged authority. 54 G. 3. c. 93. s. 89. — 54 G. 3. c. 93. s. 89.

6. Death, sans clergy, for personating a Greenwish outpensioner; and for forging any authority to receive their dues; and for taking a false oath in order to receive a Greenwich outpension; and for uttering such forged authority. 54 G. 3. c. 110. s. 6. — 54 G. 3. c. 110. s. 6.

7. Punishment as in cases of perjury for petty officers or seamen receiving or attempting to receive pay upon forged certificates of servitude or discharge; and for forging such certificates. 55 G. 3. c. 60. s. 29. — 55 G. 3. c. 60. s. 29.

8. Seven years transportation for signing petition, falsely representing one's-self to be the relation of deceased petty officer or seaman; and for uttering such; and for demanding naval dues upon a forged inspector of wills certificate. 55 G. 3. c. 60. s. 30. — 55 G. 3. c. 60. s. 30.

9. Death, sans clergy, for personating officers or seamen entitled to dues, or their representatives, relations or creditors; and for forging any authority, or an inspector of wills certificate; and for uttering such; and for taking a false oath to obtain probate or administration, in order to receive naval dues; and for demanding or receiving naval dues under a forged will or administration. 55 G. 3. c. 60. s. 32. — 55 G. 3. c. 60. s. 32.

10. Death, sans clergy, for personating officers or seamen entitled to dues, or their representatives, relations or creditors; and for forging any authority or certificate; and for uttering such; and for taking a false oath to obtain probate or administration, in order to receive naval dues; and for demanding or receiving naval dues under a forged will or administration. 57 G. 3. c. 127. s. 4. — 57 G. 3. c. 127. s. 4.

11. Death, sans clergy, for personating officers or seamen entitled to dues, or their representatives, relations or creditors; and for forging any authority or certificate; and for uttering such; and for taking a false oath to obtain probate or administration, in order to receive naval dues; and for demanding or receiving naval dues under a forged will or administration. 59 G. 3. c. 56. s. 18. — 59 G. 3. c. 56. s. 18.

12. The provisions of the 55 G. 3. c. 60. made applicable to those who cause or procure the offences therein denounced. 1 & 2 G. 4. c. 49. s. 3. — 1 & 2 G. 4. c. 49. s. 3.

13. The provisions of the 55 G. 3. c. 60. made applicable to those who cause or procure the offences therein denounced. 1 & 2 G. 4. c. 49. s. 4. — 1 & 2 G. 4. c. 49. s. 4.

14. Felony with transportation for life, or not less than seven years; or imprisonment with or without hard labour, for not exceeding seven years, for personating a Greenwich outpensioner. 4 G. 4. c. 46. s. 1. — 4 G. 4. c. 46. s. 1.

SECTION III.

Arrangements of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The Enactments having been analysed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is, to bring such related enactments into juxta position.

It appears from the Analysis, that the provisions under consideration relate to 1° *The Denunciation of Offences*; 2° *Procedure*; 3° *Enforcement of Enactments.* Hence *Three Principal Divisions of Arrangement.* And in this order, taking the number prefixed to each placitum in the Analysis as the representative of the provision noticed in that placitum, they are thus arranged:—

I. *The Denunciation of Offences*—2[1], 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.
II. *Procedure*—1.
III. *Enforcement of Enactments*—2.

I. *As to the Denunciation of Offences:*—It appears from the Analysis, that the provisions relating to the denunciation of offences, relate to 1° *Greenwich Outpensioners*; 2° *Treasurer of the Navy*; 3° *Naval Dues*; 4° *Certificates of Servitude*; 5° *Petitions.* Hence *Five Subordinate Divisions of Arrangement.* And in this order, taking the number prefixed to each placitum in the Analysis as the representative of the provision noticed in that placitum, they are thus subdivided:—

1° *Greenwich Outpensioners*—2[1]. 6. 14.
2° *Treasurer of the Navy*—3.
3° *Naval Dues*—4, 5. 7. 9, 10, 11, 13.
4° *Certificates of Servitude*—7.
5° *Petitions*—8. 12.

II. *As to Procedure:*—It appears from the Analysis, that provisions relating to this subject are all contained in one and the same statute. No subordinate arrangement, therefore, as to these is requisite.

III. *As to the Enforcement of Enactments:*—It appears from the Analysis, that provisions relating to this subject are all contained in one and the same statute. No subordinate arrangement, therefore, as to these is requisite.

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

The arrangement being completed, and provisions having an affinity to each other being, through its agency, brought into juxta position; the next step is to ascertain what influence subsequent have had upon antecedent provisions.

1° *Greenwich Outpensioners*—2[1]. 6. 14.

3 G. 3. c. 16. s. 6.

[3 G. 3. c. 16. s. 6.]—Whosoever willingly and knowingly shall personate or falsely assume the name or character of, or procure any other to personate or falsely to assume the name[1] and[2] character of any person[3], entitled or supposed to be entitled as an outpensioner to any outpension or allowance of money from the Commissioners or Governors of Greenwich Hospital, in order to receive the money due or supposed to be due on such outpension[4], every such person so offending, and being lawfully convicted of any such offence or offences, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy[5].

[54 G. 3. c. 110. s. 6.]—Whosoever shall willingly and knowingly personate or falsely assume the name or character of, or procure any other to personate or falsely to assume the name [1] or [2] character of any person [3], in order to receive any money due or supposed to be due for or on account of any outpension granted by Greenwich Hospital [4]; or shall forge or counterfeit, or procure to be forged or counterfeited, any bill, certificate, letter of attorney, ticket, certificate, assignment, last will, or any other power or authority, or other document whatsoever, in order to receive any such money; or shall willingly and knowingly take a false oath, or procure any other person to take a false oath, in order to receive payment of any money due or supposed to be due for or on account of any outpension granted by the said hospital; or shall utter or publish as true any false, forged or counterfeited letter of attorney, bill, ticket, certificate, assignment, last will, or any other power or authority, in order to receive payment of any money due or supposed to be due for or on account of any outpension [5], being lawfully convicted of any of the said offences, shall be deemed guilty of felony, and shall suffer death as a felon, without the benefit of clergy [6]. 54 G. 3. c. 110. s. 6.

It appears from the notes to the 54 G. 3. c. 110. s. 6, that its provisions are equivalent to those of the 3 G. 3. c. 16. s. 6. The 3 G. 3. therefore, may be considered as merged in the 54 G. 3.

[4 G. 4. c. 46. s. 1.]—Whereas by the 3 G. 3. c. 16. s. 6, it is enacted, that whosoever willingly and knowingly shall personate or falsely assume the name or character of, or procure any other to personate or falsely to assume the name [1] and [2] character of any person [3] entitled, or supposed to be entitled, as an outpensioner, to any outpension or allowance of money from the Commissioners or Governors of Greenwich Hospital, in order to receive the money due or supposed to be due on such outpension [4] every such person so offending, and being lawfully convicted of any such offence or offences, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy [5]; be it enacted, that so much of the said recited act as excludes the benefit of clergy from persons convicted of the felony thereby created, shall be repealed; and that any person convicted of the said felony shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned only, or to be imprisoned and kept to hard labour in the common gaol or house of correction, for any term not exceeding seven years [6]. 4 G. 4. c. 46. s. 1.

The influence of 4 G. 4. c. 46. s. 1. upon 54 G. 3. c. 110. s. 6, as shewn by the notes to 4 G. 4, is this;—1° Division V. in 54 G. 3, has no corresponding division in 4 G. 4; *pro tanto*, therefore, the 54 G. 3. is still in force, notwithstanding the 4 G. 4.—2° In other respects it is superseded by the 4 G. 4.

3° *Naval Dues*—4, 5. 7. 9, 10, 11. 13.

[32 G. 3. c. 33. s. 23.]—If any person [1] shall falsely make [2], forge [3] or counterfeit [4], or cause or procure to be falsely made, forged or counterfeited [5], or willingly act or assist in the false making, forging or counterfeiting [6], any ticket for the wages or pay due to any petty officer or seaman, non-commissioned officer of marines, or marine, for his services on board any ship or vessel of his Majesty, his heirs or successors [7], or any duplicate of any such ticket [8], 32 G. 3. c. 33. s. 23.

or

Notes to 54 *G.* 3. *c.* 110. *s.* 6.

[1] The same as [1] in 3 G. 3.
[2] 'And' is the word in 3 G. 3.
[3] The same as [3] in 3 G. 3.
[4] Equivalent to [4] in 3 G. 3.
[5] Not in 3 G. 3.
[6] Equivalent to [5] in 3 G. 3.

Notes to the 4 *G.* 4. *c.* 46. *s.* 1.

[1] The same as [1] in 54 G. 3.
[2] 'Or' is the word in 54 G. 3.
[3] Same as [3] in 54 G. 3.
[4] Equivalent to [4] in 54 G. 3.
[5] Equivalent to [6] in 54 G. 3.
[6] Merging the 54 G. 3. in relation to all those provisions, of which similar or equivalent provisions are found in that act.

or any certificate of discharge from any naval hospital of his Majesty, his heirs or successors[9], or any remittance bill[10], or duplicate of remittance bill[11], with intention to receive[12] any wages[13], pay[14] or other allowances of money[15], or prize money[16], due or supposed to be due[17], for or on account of the service of any petty officer or seaman, non-commissioned officer of marines, or marine[18] on board any ship or vessel of his Majesty, his heirs or successors[19]; or shall utter or publish as true[20] any ticket for the wages or pay due to any petty officer or seaman, non-commissioned officer of marines, or marine, for his service on board any ship or vessel of his Majesty, his heirs or successors, or any duplicate of any such ticket, or any certificate of discharge from any naval hospital of his Majesty, his heirs or successors; or any remittance bill, or any duplicate of remittance bill[21], with intention to receive[22] any wages, pay or other allowances of money or prize money, due or supposed to be due, for or on account of the service of any petty officer or seaman, non-commissioned officer of marines, or marine on board any ship or vessel of his Majesty, his heirs or successors[23], knowing the same to be false, forged or counterfeited[24]; then every such person so offending, being lawfully convicted of any such offence or offences, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy[25].

54 G. 3. c. 93. s. 89.

[54 G. 3. c. 93. s. 89.]—Whosoever[1] willingly and knowingly shall personate or falsely assume[2] the name or character of[3], or procure[4] any other to personate or falsely to assume the name or character of any officer[5], seaman[6], or other person entitled[7] or supposed to be entitled[8] to any wages[9], pay[10], or other allowances of money[11] or prize money[12] for service done[13] on board of any ship or vessel of his Majesty, his heirs or successors[14], or the executor[15] or administrator[16], wife[17], relation[18] or creditor[19] of any such officer or seaman, or other person[20], in order to receive any wages, pay, or other allowances of money or prize money due or supposed to be due or payable for or on account of the services of any such officer or seaman, or other person as aforesaid[21], or shall forge[22] or counterfeit[23], or procure to be forged or counterfeited[24], any letter of attorney[25], bill[26], ticket[27], certificate[28], order[29], assignment[30], last will[31], or any other power[32] or authority whatsoever[33], in order to receive[34] any such wages[35], pay[36], or other allowances of money[37] or prize money[38] which shall be due or supposed to be due[39] to any such officer or seaman, or other person as aforesaid[40], or shall willingly and knowingly take a false oath[41], or procure any other person to take a false oath[42] to obtain the probate of any will

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Notes to 54 *G.* 3. *c.* 93. *s.* 89.

[1] Equivalent to [1] in 32 G. 3.
[2] Not in 32 G. 3.
[3] Not in 32 G. 3.
[4] Not in 32 G. 3.
[5] Not in 32 G. 3.
[6] Not in 32 G. 3.
[7] Not in 32 G. 3.
[8] Not in 32 G. 3.
[9] Not in 32 G. 3.
[10] Not in 32 G. 3.
[11] Not in 32 G. 3.
[12] Not in 32 G. 3.
[13] Not in 32 G. 3.
[14] Not in 32 G. 3.
[15] Not in 32 G. 3.
[16] Not in 32 G. 3.
[17] Not in 32 G. 3.
[18] Not in 32 G. 3.
[19] Not in 32 G. 3.
[20] Not in 32 G. 3.
[21] Not in 32 G. 3.
[22] Equivalent to [2] in 32 G. 3, and same as [3] in that statute.
[23] Same as [4] in 32 G. 3.
[24] Equivalent to [5] in 32 G. 3.
[25] Not in 32 G. 3.
[26] Equivalent to [10] and [11] in 32 G. 3.
[27] Equivalent to [7] and [8] in 32 G. 3.
[28] Equivalent to [9] in 32 G. 3.
[29] Not in 32 G. 3.
[30] Not in 32 G. 3.
[31] Not in 32 G. 3.
[32] Not in 32 G. 3.
[33] Not in 32 G. 3.
[34] Equivalent to [12] in 32 G. 3.
[35] Equivalent to [13] in 32 G. 3.
[36] Same as [14] in 32 G. 3.
[37] Same as [15] in 32 G. 3.
[38] Same as [16] in 32 G. 3.
[39] Equivalent to [17] in 32 G. 3.
[40] Equivalent to [16] and [19] in 32 G. 3.
[41] Not in 32 G. 3.
[42] Not in 32 G. 3.

will or wills [43], or to obtain letters of administration [44] in order to receive [45] the payment of any wages, pay, or other allowances of money or prize money which shall be due or be supposed to be due, to any such officer, seaman or other person as aforesaid, who shall have really served or shall be supposed to have served on board of any ship or vessel of his Majesty, his heirs or successors [46]; or if any person shall utter or publish as true [47] any false, forged or counterfeited letter of attorney, bill, ticket, certificate, order or assignment, last will, or any other power or authority whatsoever [48], in order to receive [49] any wages, pay, or other allowances of money or prize money due or supposed to be due to any officer or seaman, or other person, who shall have really served or shall be supposed to have served, or shall hereafter serve or be supposed to have served, on board of any ship or vessel of his Majesty, his heirs or successors [50], with intent to defraud any corporation whatsoever [51], knowing the same to be false, forged or counterfeited [52], every such person being thereof lawfully convicted, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy [53].

The influence of 54 G. 3. c. 93. s. 89, upon 32 G. 3. c. 33. s. 23, as shewn by the notes to 54 G. 3, is this—1°. Division [6] in 32 G. 3, has no corresponding division in 54 G. 3; *pro tanto*, therefore, the 32 G. 3 is in force, notwithstanding the 54 G. 3.—2° In other respects the 32 G. 3. is superseded by the 54 G. 3.

[55 G. 3. c. 60. s. 29.]—If any petty officer or seaman, non-commissioned officer of marines, or marine, or any other person [1], shall falsely make [2], forge [3] or counterfeit [4], or cause or procure to be falsely made, forged or counterfeited [5], or shall willingly act or assist in the false making, forging or counterfeiting [6], of any certificate, purporting to be a certificate of servitude [7], or a certificate of discharge [8]; every such petty officer or seaman, non-commissioned officer of marines, or marine or other person, being thereof lawfully convicted, shall be punished as in cases of wilful and corrupt perjury [9]. 55 G. 3. c. 60. s. 29.

It has appeared that division [6] in 32 G. 3. has no corresponding division in 54 G. 3; and that therefore the 32 G. 3. is, in this particular, not touched by the 54 G. 3. But since, in relation to the forgery of certificates of discharge, division [6] in 32 G. 3. has a corresponding division in 54 G. 3, it follows, that in relation to the forgery of certificates of discharge, division [6] in 32 G. 3. is superseded by 54 G. 3.

The influence of the 55 G. 3. c. 60. s. 29, upon the 54 G. 3, as appears from the notes to 55 G. 3, is this—1° Since divisions [7] and [8] of 55 G. 3 are restrictive of division [28] of 54 G. 3, the 54 G. 3. is superseded *pro tanto* by the 55 G. 3.—2° In other respects it is in force.

[55 G. 3. c. 60. s. 32.]—If any person or persons [1] shall willingly or knowingly personate or falsely assume [2], or cause or procure [3] any other person to personate 55 G. 3. c. 60. s. 32.

[43] Not in 32 G. 3.
[44] Not in 32 G. 3.
[45] Not in 32 G. 3.
[46] Not in 32 G. 3.
[47] Same as [20] in 32 G. 3.
[48] Equivalent to [21] in 32 G. 3.
[49] Equivalent to [22] in 32 G. 3.
[50] Equivalent to [23] in 32 G. 3.
[51] Not in 32 G. 3.
[52] Same as [24] in 32 G. 3.
[53] Equivalent to [25] in 32 G. 3.

Notes to 55 G. 3. c. 60. s. 29.

[1] Equivalent to [1] in 54 G. 3.
[2] Equivalent to [22] in 54 G. 3.
[3] Same as [22] in 54 G. 3.
[4] Same as [23] in 54 G. 3.
[5] Equivalent to [24] in 54 G. 3.
[6] Same as [6] in 32 G. 3.
[7] The same as one particular species of certificate comprised by the general term marked [28] in the 54 G. 3.
[8] The same as [9] in 32 G. 3; and the same as one particular species of certificate comprised by the general term marked [28] in the 54 G. 3.
[9] Since the offence is not made felony by this enactment, but punished as perjury, and as the offence under 32 G. 3 and 54 G. 3. is a capital felony; those enactments are merged in the 55 G. 3. in those cases in which the provisions of the 55 G. 3. are equivalent to those of the 32 G. 3. and 55 G. 3, in those cases, namely, noticed in the notes [6], [7] and [8], supra.

Notes to 55 G. 3. c. 60. s. 32.

N. B.—Since the 55 G. 3. c. 60. s. 29, and the 55 G. 3. c. 60. s. 32, are provisions of the self same statute; the influence of the latter upon the former need not be considered.
[1] Equivalent to [1] in 54 G. 3.
[2] Equivalent to [2] in 54 G. 3.
[3] Equivalent to [4] in 54 G. 3.

personate or falsely assume[4] the name or character of any commission[5], warrant[6] or petty officer[7] or seaman[8], or any commissioned[9] or non-commissioned officer of marines or marine[10], or any other person entitled[11] or supposed to be entitled[12] to any wages[13], pay[14], prize money[15], bounty money[16] or other allowances of money[17], for or in respect of services performed[18] or supposed to have been performed[19] on board of any ship or vessel of his Majesty, his heirs or successors[20], or the wife[21], widow[22], executor[23] or administrator[24], relation[25] or creditor[26], of any such officer, seaman or other person as aforesaid[27], in order to receive any wages, pay, prize money, bounty money or other allowances of money due or supposed to be due for or in respect of the services of any such officer, seaman, marine or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of his Majesty, his heirs or successors[28]; or shall falsely make[29], forge[30], counterfeit[31] or alter[32], or cause or procure to be falsely made, forged, counterfeited or altered[33], or willingly act or assist in the false making, forging, counterfeiting or altering[34], any letter of attorney[35], bill[36], ticket[37], certificate purporting to be a certificate from the inspector of seamens wills and powers, or his assistant[38], assignment[39], last will[40], or other power[41] or authority whatsoever[42], in order to receive[43], or to enable any other person to receive[44], any wages[45], pay[46], prize money[47], bounty money[48] or other allowances of money[49], due or supposed to be due[50], for or in respect of the services of any such officer, seaman, marine or other person as aforesaid, performed[51] or supposed to have been performed[52] on board of any ship or vessel of his Majesty, his heirs or successors[53], with intention to defraud any person or persons[54], body or bodies politic or corporate whatsoever[55]; or shall utter or publish as true[56] any false, forged, counterfeited or altered letter of attorney, bill, ticket, certificate purporting to be a certificate from the inspector of seamens wills and powers, or his assistant, assignment, last will or other power or authority whatsoever[57], in order to receive[58] any wages, pay, prize money, bounty money or other allowances of money due or supposed to be due, for or in respect of the services of any such officer,

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[4] Equivalent to [5] in 54 G. 3.
[5] Equivalent to [8] in 54 G. 3.
[6] Equivalent to [6] in 54 G. 3.
[7] Equivalent to [8] in 54 G. 3.
[8] Same as [6] in 54 G. 3.
[9] Equivalent to [5] in 54 G. 3.
[10] Equivalent to [6] in 54 G. 3.
[11] Equivalent to [7] in 54 G. 3.
[12] Same as [8] in 54 G. 3.
[13] Same as [9] in 54 G. 3.
[14] Same as [10] in 54 G. 3.
[15] Same as [12] in 54 G. 3.
[16] Not in 54 G. 3.
[17] Same as [11] in 54 G. 3.
[18] Equivalent to [13] in 54 G. 3.
[19] Not in 54 G. 3.
[20] Same as [14] in 54 G. 3.
[21] Same as [17] in 54 G. 3.
[22] Not in 54 G. 3.
[23] Same as [16] in 54 G. 3.
[24] Same as [16] in 54 G. 3.
[25] Same as [18] in 54 G. 3.
[26] Same as [19] in 54 G. 3.
[27] Equivalent to [20] in 54 G. 3.
[28] Equivalent to [21] in 54 G. 3.
[29] Equivalent to [22] in 54 G. 3.
[30] Same as [23] in 54 G. 3.
[31] Same as [23] in 54 G. 3.
[32] Not in 54 G. 3.
[33] Equivalent to [24] in 54 G. 3.
[34] Not in 54 G. 3; equivalent to [6] in 32 G. 3.
[35] Same as [25] in 54 G. 3.
[36] Same as [26] in 54 G. 3.
[37] Same as [27] in 54 G. 3.
[38] As two particular species of certificates are singled out by the 55 G. 3, and the forgery of one punished as perjury, that of the other (and its publication) punished as a capital felony, it should seem that the 55 G. 3. is restrictive of division [38] of 54 G. 3.
[39] Same as [30] in 54 G. 3.
[40] Same as [31] in 54 G. 3.
[41] Same as [32] in 54 G. 3.
[42] Same as [33] in 54 G. 3; and equivalent to [29] in 54 G. 3.
[43] Same as [34] in 54 G. 3.
[44] Not in 54 G. 3.
[45] Equivalent to [35] in 54 G. 3.
[46] Equivalent to [36] in 54 G. 3.
[47] Equivalent to [38] in 54 G. 3.
[48] Not in 54 G. 3.
[49] Same as [37] in 54 G. 3.
[50] Equivalent to [39] in 54 G. 3.
[51] Equivalent to [40] in 54 G. 3.
[52] Equivalent to [40] in 54 G. 3.
[53] Equivalent to [40] in 54 G. 3.
[54] Not in 54 G. 3.
[55] Equivalent to [41] in 54 G. 3.
[56] Same as [47] in 54 G. 3.
[57] Equivalent to [48] in 54 G. 3.
[58] Same as [49] in 54 G. 3.

officer, seaman, marine or other person as aforesaid, performed or supposed to have been performed, on board of any ship or vessel of his Majesty, his heirs or successors [58 a], with intention to defraud any person or persons, body or bodies politic or corporate whatsoever [59], knowing the same to be false, forged, counterfeited or altered [60]; or shall willingly and knowingly take a false oath [61], or cause or procure any other person to take a false oath [62], to obtain the probate of any will or wills [63], or to obtain letters of administration [64], in order to receive [65], or to enable any other person to receive [66], any wages, pay, prize money, bounty money or other allowances of money due or supposed to be due for or in respect of the services of any such officer, seaman, marine or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of his Majesty, his heirs or successors [67]; or shall demand [68] or receive [69] any wages, pay, prize money, bounty money or other allowances of money due or supposed to be due for or in respect of the services of any such officer, seaman, marine or other person as aforesaid, performed or supposed to have been performed on board any of his Majesty's ships or vessels, upon or by virtue of any probate of any will or letters of administration, knowing the will on which such probate shall have been obtained to be false, forged and counterfeited, or knowing the probate of such will, or such letters of administration as last aforesaid, to have been obtained by means of any such false oath as aforesaid, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever [70]; then every such person or persons so offending, and being thereof convicted according to due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy [71].

It has appeared that division [6] in 32 G. 3. is in force, excepting in relation to the forgery of certificates of discharge. But since this division has a corresponding division in 55 G. 3. c. 60. s. 32, it follows, that the 32 G. 3. is no longer operative.

It appears from the notes to 55 G. 3. c. 60. s. 32, that its provisions are in every respect but one equivalent to those of the 54 G. 3; and in the exceptive case, are restrictive of the 54 G. 3. It follows, therefore, that the 54 G. 3. is superseded by the 55 G. 3.

[57 G. 3. c. 127. s. 4.]—If any person or persons [1] shall willingly or knowingly personate or falsely assume [2], or cause or procure [3] any other person to personate or falsely assume [4] the name or character of any commissioned officer [5], or warrant [6] or petty officer [7] or seaman [8], or any commissioned [9] or non-commissioned officer of marine or marines [10], or any other person entitled [11] or supposed to be entitled [12] to any wages [13], pay [14], prize money [15], bounty money [16], pension money [17], or other allowances of money [18], for or in respect of services performed [19] or supposed to have been performed [20] on board of any ship or vessel of his Majesty, his heirs or successors [21], or the wife [22], widow [23], executor

57 G. 3. c. 127. s. 4.

[58 a] Equivalent to [50] in 54 G. 3.
[59] More extensive than (and therefore equivalent to) [51] in 54 G. 3.
[60] Equivalent to [52] in 54 G. 3.
[61] Same as [41] in 54 G. 3.
[62] Equivalent to [42] in 54 G. 3.
[63] Same as [43] in 54 G. 3.
[64] Same as [44] in 54 G. 3.
[65] Same as [45] in 54 G. 3.
[66] Not in 54 G. 3.
[67] Equivalent to [46] in 54 G. 3.
[68] Not in 54 G. 3.
[69] Not in 54 G. 3.
[70] Not in 54 G. 3.
[71] Equivalent to [53] in 54 G. 3.

Notes to 57 G. 3. c. 127. s. 4.

[1] Same as [1] in 55 G. 3. c. 60. s. 29, 32.
[2] Same as [2] in 55 G. 3. c. 60. s. 32.
[3] Same as [3] in 55 G. 3. c. 60. s. 32.
[4] Same as [4] in 55 G. 3. c. 60. s. 32.
[5] Equivalent to [5] in 55 G. 3. c. 60. s. 32.
[6] Same as [6] in 55 G. 3. c. 60. s. 32.
[7] Same as [7] in 55 G. 3. c. 60. s. 32.
[8] Same as [8] in 55 G. 3. c. 60. s. 32.
[9] Same as [9] in 55 G. 3. c. 60. s. 32.
[10] Same as [10] in 55 G. 3. c. 60. s. 32.
[11] Same as [11] in 55 G. 3. c. 60. s. 32.
[12] Same as [12] in 55 G. 3. c. 60. s. 32.
[13] Same as [13] in 55 G. 3. c. 60. s. 32.
[14] Same as [14] in 55 G. 3. c. 60. s. 32.
[15] Same as [15] in 55 G. 3. c. 60. s. 32.
[16] Same as [16] in 55 G. 3. c. 60. s. 32.
[17] Not in 55 G. 3. c. 60. s. 32.
[18] Same as [17] in 55 G. 3. c. 60. s. 32.
[19] Same as [18] in 55 G. 3. c. 60. s. 32.
[20] Same as [19] in 55 G. 3. c. 60. s. 32.
[21] Same as [20] in 55 G. 3. c. 60. s. 32.
[22] Same as [21] in 55 G. 3. c. 60. s. 32.
[23] Same as [22] in 55 G. 3. c. 60. s. 32.

executor[24] or administrator[25], relation[26] or creditor[27], of any such officer, seaman or other person as aforesaid[28], in order to receive any wages, pay, prize money, bounty money, pension money or other allowances of money due or supposed to be due for or in respect of the services of any such officer, seaman, marine or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of his Majesty, his heirs or successors[29]; or shall falsely make[30], forge[31], counterfeit[32] or alter[33], or cause or procure to be falsely made, forged, counterfeited or altered[34], or willingly act or assist in the false making, forging, counterfeiting or altering[35], any letter of attorney[36], order[37], bill[38], ticket[39], certificate of service[40], or other certificate whatsoever[41], assignment[42], last will[43] or other power[44] or authority whatsoever[45], in order to receive[46] or to enable any other person to receive[47] any wages[48], pay[49], prize money[50], bounty money[51], pension money[52], or other allowances of money[53] due or supposed to be due[54] for or in respect of the services of any such officer, seaman, marine or other person as aforesaid, performed[55] or supposed to have been performed[56] on board of any ship or vessel of his Majesty, his heirs or successors[57], with intention to defraud any person or persons[58], body or bodies politic or corporate whatsoever[59], or shall utter or publish as true[60], or shall aid or assist in uttering or publishing as true[61], any false, forged, counterfeited or altered letter of attorney, order, bill, certificate of service, or other certificate whatsoever, assignment, last will, or other power or authority whatsoever[62], in order to receive[63] any wages, pay, prize money, bounty money, pension money, or other allowances of money due or supposed to be due for or in respect of the services of any such officer, seaman, marine, or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of his Majesty, his heirs or successors, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever[64], knowing the same to be false, forged, counterfeited or altered[65], or shall willingly and knowingly take a false oath to obtain the probate of any will or wills[66], or to obtain letters of administration[67], in order to receive[68], or to enable any other person to receive[69], any wages, pay, prize money, bounty money, pension money, or other allowances of money due or supposed to be due in respect for or in respect of the services of any such officer, seaman, marine or other person as aforesaid, performed or supposed to have been performed on board

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[24] Same as [23] in 55 G. 3. c. 60. s. 32.
[25] Same as [24] in 55 G. 3. c. 60. s. 32.
[26] Same as [25] in 55 G. 3. c. 60. s. 32.
[27] Same as [26] in 55 G. 3. c. 60. s. 32.
[28] Same as [27] in 55 G. 3. c. 60. s. 32.
[29] Equivalent to [28] in 55 G. 3. c. 60. s. 32.
[30] Same as [2] and [29] in 55 G. 3. c. 60. s. 29. 32.
[31] Same as [3] and [30] in 55 G. 3. c. 60. s. 29. 32.
[32] Same as [4] and [31] in 55 G. 3. c. 60. s. 29. 32.
[33] Same as [32] in 55 G. 3. c. 60. s. 32.
[34] Same as [5] and [33] in 55 G. 3. c. 60. s. 29. 32.
[35] Same as [6] and [34] in 55 G. 3. c. 60. s. 29. 32.
[36] Same as [35] in 55 G. 3. c. 60. s. 32.
[37] Not in 55 G. 3. c. 60. s. 32.
[38] Same as [36] in 55 G. 3. c. 60. s. 32.
[39] Same as [37] in 55 G. 3. c. 60. s. 32.
[40] Equivalent to [7] in 55 G. 3. c. 60. s. 29.
[41] Equivalent to (being more extensive than) [8] and [38] in 55 G. 3. s. 29. 32.
[42] Same as [39] in 55 G. 3. c. 60. s. 32.
[43] Same as [40] in 55 G. 3. c. 60. s. 32.
[44] Same as [41] in 55 G. 3. c. 60. s. 32.
[45] Same as [42] in 55 G. 3. c. 60. s. 32.
[46] Same as [43] in 55 G. 3. c. 60. s. 32.
[47] Same as [44] in 55 G. 3. c. 60. s. 32.
[48] Same as [45] in 55 G. 3. c. 60. s. 32.
[49] Same as [46] in 55 G. 3. c. 60. s. 32.
[50] Same as [47] in 55 G. 3. c. 60. s. 32.
[51] Same as [48] in 55 G. 3. c. 60. s. 32.
[52] Not in 55 G. 3. c. 60. s. 32.
[53] Same as [49] in 55 G. 3. c. 60. s. 32.
[54] Same as [50] in 55 G. 3. c. 60. s. 32.
[55] Same as [51] in 55 G. 3. c. 60. s. 32.
[56] Same as [52] in 55 G. 3. c. 60. s. 32.
[57] Same as [53] in 55 G. 3. c. 60. s. 32.
[58] Same as [54] in 55 G. 3. c. 60. s. 32.
[59] Same as [55] in 55 G. 3. c. 60. s. 32.
[60] Same as [56] in 55 G. 3. c. 60. s. 32.
[61] Not in 55 G. 3. c. 60. s. 32.
[62] Equivalent to [57] in 55 G. 3. c. 60. s. 32.
[63] Same as [58] in 55 G. 3. c. 60. s. 32.
[64] Equivalent to [58a] and [59] in 55 G. 3. c. 60. s. 32.
[65] Same as [60] in 55 G. 3. c. 60. s. 32.
[66] Same as [61] and [63] in 55 G. 3. c. 60. s. 32.
[67] Same as [64] in 55 G. 3. c. 60. s. 32.
[68] Same as [65] in 55 G. 3. c. 60. s. 32.
[69] Same as [66] in 55 G. 3. c. 60. s. 32.

board of any ship or vessel of his Majesty, his heirs or successors[70], or shall demand[71] or receive[72] any wages, pay, prize money, bounty money, pension money, or other allowances of money due or supposed to be due for or in respect of the services of any such officer, seaman, marine, or other person as aforesaid, performed or supposed to have been performed on board any of his Majesty's ships or vessels, upon or by virtue of any probate of any will or letters of administration, knowing the will on which such probate shall have been obtained to be false, forged and counterfeited, or knowing the probate of such will or such letters of administration as last aforesaid to have been obtained by means of any such false oath as aforesaid, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever[73], then every such person or persons so offending, and being thereof convicted according to due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy[74].

The influence of the 57 G. 3. c. 127. s. 4. upon the 55 G. 3. c. 60. s. 29. as shewn by the notes to 57 G. 3. is that it supersedes it.

The influence of the 57 G. 3. c. 127. s. 4. upon the 55 G. 3. c. 60. s. 32. as shewn by the notes to 57 G. 3. is this—1° Since division [62] of 55 G. 3. c. 60. s. 32. has no corresponding division in 57 G. 3. the 55 G. 3. c. 60. s. 32. is, *pro tanto*, in force, notwithstanding the 57 G. 3.—2° In other respects the 55 G. 3. c. 60. s. 32. is superseded by the 57 G. 3.

[59 G. 3. c. 56. s. 18.]—If any person or persons[1] shall willingly or knowingly personate or falsely assume[2], or cause, procure[3], aid or assist[4] any person to personate or falsely assume[5] the name or character of any commissioned officer[6], warrant[7] or petty officer[8], or seaman[9], or any commissioned[10] or non-commissioned officer of marines, or marine[11], supernumerary[12] or boy[13], or any other person entitled[14] or supposed to be entitled[15] to any wages[16], pay[17], prize money[18], bounty money[19], pension money[20], or other allowances of money[21], for or in respect of services performed[22] or supposed to have been performed[23] on board of any ship or vessel of his Majesty, his heirs or successors[24]; or shall personate or falsely assume the name or character[25], or shall assist in personating or falsely assuming the name or character[26] of the wife[27], widow[28], executor[29] or administrator[30], relation[31] or creditor[32] of any such officer, seaman or other person[33], in order to receive any wages, pay, prize money, bounty money, pension money, or other allowances of money, due or supposed to be due for or in respect of the services of any such officer, seaman, marine, or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of his Majesty, his heirs or successors

59 G. 3. c. 56. s. 18.

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[70] Equivalent to [67] in 55 G. 3. c. 60. s. 32.
[71] Same as [68] in 55 G. 3. c. 60. s. 32.
[72] Same as [69] in 55 G. 3. c. 60. s. 32.
[73] Equivalent to [70] in 55 G. 3. c. 60. s. 32.
[74] Same as [71] in 55 G. 3. c. 60. s. 32.

Notes to 59 G. 3. c. 56. s. 18.

[1] Same as [1] in 57 G. 3.
[2] Same as [2] in 57 G. 3.
[3] Same as [3] in 57 G. 3.
[4] Not in 57 G. 3.
[5] Same as [4] in 57 G. 3.
[6] Same as [5] in 57 G. 3.
[7] Same as [6] in 57 G. 3.
[8] Same as [7] in 57 G. 3.
[9] Same as [8] in 57 G. 3.
[10] Same as [9] in 57 G. 3.
[11] Same as [10] in 57 G. 3.
[12] Not in 57 G. 3.
[13] Not in 57 G. 3.
[14] Same as [11] in 57 G. 3.
[15] Same as [12] in 57 G. 3.
[16] Same as [13] in 57 G. 3.
[17] Same as [14] in 57 G. 3.
[18] Same as [15] in 57 G. 3.
[19] Same as [16] in 57 G. 3.
[20] Same as [17] in 57 G. 3.
[21] Same as [18] in 57 G. 3.
[22] Same as [19] in 57 G. 3.
[23] Same as [20] in 57 G. 3.
[24] Same as [21] in 57 G. 3.
[25] Not in 57 G. 3.
[26] Not in 57 G. 3.
[27] Same as [22] in 57 G. 3.
[28] Same as [23] in 57 G. 3.
[29] Same as [24] in 57 G. 3.
[30] Same as [25] in 57 G. 3.
[31] Same as [26] in 57 G. 3.
[32] Same as [27] in 57 G. 3
[33] Equivalent to [28] in 57 G. 3.

successors [34]; or shall falsely make [35], forge [36], counterfeit [37] or alter [38], or cause or procure to be falsely made, forged, counterfeited or altered [39], or willingly act or assist in the false making, forging, counterfeiting or altering [40] any letter of attorney [41], order [42], bill [43], ticket [44], certificate of service [45], or other certificate whatsoever [46], assignment [47], last will [48], or other power [49] or authority whatsoever [50], in order to receive [51], or to enable any other person to receive [52] any wages [53], pay [54], prize money [55], bounty money [56], pension money [57], or other allowances of money [58], due or supposed to be due [59], for or in respect of the services of any such officer, seaman, marine, supernumerary or boy, or other person as aforesaid, performed [60] or supposed to have been performed [61] on board any ship or vessel of his Majesty, his heirs or successors [62], with intention to defraud any person or persons [63], body or bodies politic or corporate whatsoever [64]; or shall utter or publish as true [65], or shall aid or assist in uttering or publishing as true [66], any false, forged, counterfeited or altered letter of attorney, order, bill, ticket, certificate of service, or other certificate whatsoever, assignment, last will, or other power or authority whatsoever [67], knowing the same to be false, forged, counterfeited or altered [68], in order to receive [69] any wages, pay, prize money, bounty money, pension money, or other allowances of money due or supposed to be due for or in respect of the services of any such officer, seaman, marine, supernumerary or boy, or other person as aforesaid, performed or supposed to have been performed on board of any ship or vessel of his Majesty, his heirs or successors, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever [70]; or shall willingly and knowingly take a false oath, to obtain the probate of any will or wills [71], or to obtain letters of administration [72], in order to receive [73], or to enable any other person to receive [74] any pay, wages, prize money, bounty money, pension money, or other allowances of money due or supposed to be due for or in respect of the services of any such officer, seaman, marine, supernumerary or boy, or other person as aforesaid, performed or supposed to have been performed on board of any of his Majesty's ships or vessels, his heirs or successors [75]; or shall demand [76] or receive [77] any wages, prize money, bounty money, pension money, or other allowances of money due or supposed to be due, for or in respect of the services of any such officer, seaman, marine, or other person as aforesaid, performed or supposed to have been performed on board any of his Majesty's ships or vessels, upon or by virtue of any probate of any will or letters of administration, knowing the will on which such probate shall have been obtained to be false, forged and counterfeited, or knowing the probate

[34] Same as [29] in 57 G. 3.
[35] Same as [30] in 57 G. 3.
[36] Same as [31] in 57 G. 3.
[37] Same as [32] in 57 G. 3.
[38] Same as [33] in 57 G. 3.
[39] Same as [34] in 57 G. 3.
[40] Same as [35] in 57 G. 3.
[41] Same as [36] in 57 G. 3.
[42] Same as [37] in 57 G. 3.
[43] Same as [38] in 57 G. 3.
[44] Same as [39] in 57 G. 3.
[45] Same as [40] in 57 G. 3.
[46] Same as [41] in 57 G. 3.
[47] Same as [42] in 57 G. 3.
[48] Same as [43] in 57 G. 3.
[49] Same as [44] in 57 G. 3.
[50] Same as [45] in 57 G. 3.
[51] Same as [46] in 57 G. 3.
[52] Same as [47] in 57 G. 3.
[53] Same as [48] in 57 G. 3.
[54] Same as [49] in 57 G. 3.
[55] Same as [50] in 57 G. 3.
[56] Same as [51] in 57 G. 3.
[57] Same as [52] in 57 G. 3.
[58] Same as [53] in 57 G. 3.
[59] Same as [54] in 57 G. 3.
[60] Equivalent to [56] in 57 G. 3.
[61] Same as [56] in 57 G. 3.
[62] Same as [57] in 57 G. 3.
[63] Same as [58] in 57 G. 3.
[64] Same as [59] in 57 G. 3.
[65] Same as [60] in 57 G. 3.
[66] Same as [61] in 57 G. 3.
[67] Same as [62] in 57 G. 3.
[68] Same as [63] in 57 G. 3.
[69] Same as [63] in 57 G. 3.
[70] Same as [64] in 57 G. 3.
[71] Same as [66] in 57 G. 3.
[72] Same as [67] in 57 G. 3.
[73] Same as [68] in 57 G. 3.
[74] Same as [69] in 57 G. 3.
[75] Same as [70] in 57 G. 3.
[76] Same as [71] in 57 G. 3.
[77] Same as [72] in 57 G. 3.

probate of such will or such letters of administration as last aforesaid, to have been obtained by means of any such false oath as aforesaid, with intention to defraud any person or persons, body or bodies politic or corporate whatsoever [78], then every such person or persons so offending, and being thereof convicted according to due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy [79].

It has appeared that division [62] in 55 G. 3. c. 60. s. 32. has no corresponding division in 57 G. 3. c. 127. s. 4, and is therefore in force, notwithstanding that statute. And since there is no corresponding division in 59 G. 3. c. 56. s. 18. division [62] of 55 G. 3. is in force, notwithstanding the 59 G. 3.

The influence of the 59 G. 3. c. 56. s. 18. upon the 57 G. 3. c. 127. s. 4, as shewn by the notes to 59 G. 3. is, that it supersedes it.

[1 & 2 G. 4. c. 49. s. 4.]—If any person or persons shall cause or procure any other person to utter or publish as true any false, forged, counterfeited or altered letter of attorney, bill, ticket, certificate purporting to be a certificate from the inspector of seamens wills and powers, or his assistant, assignment, last will or other power or authority whatsoever, mentioned in the 55 G. 3. c. 60. for the purpose and with the intention therein also mentioned, knowing the same to be false, forged, counterfeited or altered; or shall cause or procure any other person to demand or receive any wages, pay, prize money, bounty money, or other allowances of money due or supposed to be due for or in respect of the services of any such petty officer, seaman, non-commissioned officer of marines or marine, or other person, as in that act mentioned, performed or supposed to have been performed on board any of his Majesty's ships or vessels, upon or by virtue of any probate of any will or letters of administration, knowing the will on which such probate shall have been obtained to be false, forged and counterfeited, or knowing the probate of such will or such letters of administration as last aforesaid to have been obtained by means of any such false oath as in that act mentioned, with the intention therein also mentioned, every such person or persons so offending, and being thereof convicted according to due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy. 1 & 2 G. 4. c. 49. s. 4.

5° Petitions.

[55 G. 3. c. 60. s. 30.]—If any person shall sign or subscribe any petition or application to the treasurer or paymaster of his Majesty's navy for the time being, falsely and wilfully representing herself or himself to be the widow, or the nearest or one of the nearest of kindred of any deceased petty officer or seaman, non-commissioned officer of marines or marine, who shall have belonged to or served on board any of his Majesty's ships or vessels, or utter or publish any such petition or application so signed or subscribed as aforesaid, containing such false and wilful representaion as aforesaid, in order to obtain a certificate from the inspector of seamens wills and powers, to procure letters of administration to the effects of any such petty officer or seaman, non-commissioned officer of marines or marine, or to procure payment of any wages, pay, prize money, bounty money, or other allowances of money under twenty pounds, for or in respect of services on board any ship or vessel of his Majesty, his heirs or successors; or if any person or persons shall demand or receive any wages, pay, prize 55 G. 3. c. 60. s. 30.

[78] Same as [78] in 57 G. 3.
[79] Same as [74] in 57 G. 3.

Note to 1 & 2 G. 4. c. 49. s. 4.

A perusal of the 59 G. 3. c. 56. s. 18. and 1 & 2 G. 4. c. 49. s. 4. will shew that the latter supplies an omission in the former, (the provisions of the former being equivalent to the 55 G. 3. c. 60. s. 32, and standing therefore in its place), the denunciation, namely, of accessories before the fact.

prize money, bounty money, or other allowance of money due or supposed to be due for or in respect to the services of any such petty officer or seaman, non-commissioned officer of marines or marine, upon or by virtue of any certificate from the said inspector of seamens wills, knowing such certificate to have been obtained by false representations or pretences, every such person shall, on being convicted of any such offence in due form of law, be transported beyond the seas for the term of seven years, in like manner as persons convicted of felony are directed to be transported by the laws and statutes of this realm.

1 & 2 G. 4. c. 49. s. 3.

[1 & 2 G. 4. c. 49. s. 3.]—If any person or persons shall cause or procure any other person to sign or subscribe, or utter or publish any such false petition or application to the treasurer or paymaster of his Majesty's navy, for the time being, as is mentioned in the 55 G. 3. c. 60. for any of the purposes mentioned in that act; or if any person or persons shall cause or procure any other person to demand or receive any wages, pay, prize money, bounty money or other allowance of money due or supposed to be due for or in respect of the services of any such petty officer or seaman, non-commissioned officer of marines or marine, upon or by virtue of any certificate from the inspector of seamens wills, or his assistant, knowing such certificate to have been obtained by false representations or pretences, every such person shall, on being convicted of any such offence in due form of law, be transported beyond the seas for the term of seven years, in like manner as persons convicted of felony are directed to be transported by the laws and statutes of this realm.

A perusal of the 55 G. 3. c. 60. s. 30. and 1 & 2 G. 4. c. 49. s. 3. will shew, that the latter supplies an omission in the former, the denunciation, namely, of accessories before the fact.

(5.)—The consolidating process of Enactments against Forgery, relating to the Courts of CHANCERY, EXCHEQUER, AND ADMIRALTY.

SECTION I.

Enumeration.

THE Enactments against Forgery, relating to the Courts of Chancery, Exchequer, and Admiralty, are contained in the—12 G. 1. c. 32. s. 9; 53 G. 3. c. 151. s. 12; 1 G. 4. c. 35. s. 27.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

12 G. 1. c. 32. s. 9.

1. Death, sans clergy, to forge the name of hand of the accountant-general, register, clerk of the report office, or a bank cashier, to any instrument to obtain the effects of suitors in chancery; or any instrument of the accountant-general, register, clerk of the report office, or a bank cashier; and for uttering any such. 12 G. 1. c. 32. s. 9.

35 G. 3. c. 151. s. 12.

2. Felony to forge the name or hand of the registrar for the time being of the High Court of Admiralty, or High Court of Appeals for prizes, or his deputy, or any of the cashiers of the Governor and Company of the Bank of England, to any certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing whatever, for or in order to the receiving or

or obtaining any of the money or effects of any of the suitors of the said courts, or either of them, or any certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing made by such registrar, or his deputy, or any of the cashiers of the said Governor and Company; and for uttering any such. 53 G. 3. c. 151. s. 12.

3° Death, sans clergy, for forging the name of the accountant general, lord chief baron, or clerk of reports of the Court of Exchequer, or a bank cashier, or officer of any other corporation, to instruments to obtain suitors effects; or instruments of the accountant general, or clerk of reports of the Court of Exchequer, or a bank cashier; and for uttering any such. 1 G. 4. c. 35, s. 27. 1 G. 4. c. 35. s. 27.

Of the enactments thus analysed, those marked 1° and 3° alone admit of being consolidated. But since, for the sake of distinctness, it is proposed to keep these two separate; the provisions under consideration may be considered as not the subjects of consolidation.

(6.)—The consolidating process of Enactments against FORGERY RELATING TO WOODS AND FORESTS.

SECTION I.

Enumeration.

THE Enactments against Forgery relating to Woods and Forests are contained in the—46 G. 3. c. 142. s. 14; 50 G. 3. c. 65. s. 18.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

1. Death, sans clergy, for forging the name of the surveyor-general of the woods and forests, or his draft; and for uttering any such. 46 G. 3. c. 142. s. 14. 46 G. 3. c. 142. s. 14.

2. Death, sans clergy, for forging the names of the commissioners of the woods and forests, or their drafts; and for uttering any such. 50 G. 3. c. 65. s. 18. 50 G. 3. c. 65. s. 18.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The enactments having been analysed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

But since the enactments are only two in number, this object is already attained.

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

A perusal of the enactments will shew that one enactment may be made to serve for both.

(7.)—The consolidating process of the Enactments against FORGERY RELATING TO THE LAND TAX.

SECTION I.

Enumeration.

THE Enactments against Forgery relating to the Land Tax are contained in the—42 G. 3. c. 116. s. 194; 52 G. 3. c. 143. s. 6.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

42 G. 3. c. 116. s. 194.

1. Death, sans clergy, for forging certain instruments relative to the land tax; and for uttering any such. 42 G. 3. c. 116. s. 194.

52 G. 3. c. 143. s. 6.

2. Death, sans clergy, for forging any instrument relative to the land tax; and for uttering any such. 52 G. 3. c. 143. s. 6.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The enactments having been analysed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

But since the enactments are only two in number, this object is already attained.

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

A perusal of the enactments will shew that one enactment may be made to serve for both.

(8.)—The consolidating process of Enactments against FORGERY RELATING TO THE POST-OFFICE.

SECTION I.

Enumeration.

THE Enactments against Forgery relating to the Post-office are contained in the—46 G. 3. c. 83. s. 9; 47 G. 3. st. 2. c. 59. s. 3.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

46 G. 3. c. 83. s. 9.

1. Death, sans clergy, for forging the name or hand-writing of the receiver-general of the post-office, or his clerk or authorized person, to any draft, instrument or writing, or any draft, instrument or writing in form of a draft, made by such receiver-general, or his deputy or authorized person; and for uttering any such. 46 G. 3. c. 83. s. 9.

2. Death,

2. Death, sans clergy, for forging the name or hand-writing of the receiver-general of the post-office, or his clerk or authorized person, to any draft, instrument or writing, or any draft, instrument or writing in form of a draft, made by such receiver-general, or his deputy or authorized person; and for uttering any such. 47 G. 3. st. 2. c. 59. s. 3. 47 G. 3. st. 2. c. 59. s. 3.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The enactments having been analysed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

But since the enactments are only two in number, this object is already attained.

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

A perusal of the enactments will shew that one enactment may be made to serve for both.

(9.)—The consolidating process of Enactments against FORGERY RELATING TO THE ORDNANCE OFFICE.

SECTION I.

Enumeration.

THE Enactments againt Forgery relating to the Ordnance are contained in the—46 G. 3. c. 45. s. 9.

And since, therefore, all the enactments connected with this subject are contained in one and the same statute, they are not the subjects of consolidation.

(10.)—The consolidating process of Enactments against FORGERY RELATING TO THE ALIENATION OFFICE.

SECTION I.

Enumeration.

THE Enactments against Forgery relating to the Alienation Office are contained in the—32 G. 2. c. 14. s. 9; 52 G. 3. c. 143. s. 5.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

1. Death, sans clergy, for forging the hand of the receiver of the prefines at the Alienation office. 32 G. 2. c. 14. s. 9. 32 G. 2. c. 14. s. 9.

2. Death

52 G. 3. c. 143. s. 5. 2. Death, sans clergy, for forging the hand of the receiver of prefines at the Alienation office. 52 G. 3. c. 143. s. 5.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The enactments having been analysed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

But since the enactments are only two in number, this object is already attained.

SECTION IV.

What Influence Subsequent Enactments have had upon Antecedent Enactments.

A perusal of the Enactments will shew that one enactment may be made to serve for both.

(11.)—The consolidating process of the STAMP ENACTMENTS RELATING TO FORGERY.

Preliminary Observations.

THE 52 G. 3. c. 143. amended and reduced into one act all antecedent provisions then in force, which imposed the penalty of death upon any act done in breach of, or in resistance to, any part of the laws for collecting his Majesty's revenue in Great Britain. And it is proposed therefore to treat all such antecedent provisions as virtually superseded by the 52 G. 3. c. 143.

SECTION I.

Enumeration.

The Stamp Enactments relating to Forgery are contained in the—1 Ann. st. 2. c. 22. s. 2; 6 G. 1. c. 21. s. 55; 12 G. 3. c. 48. s. 1; 52 G. 3. c. 143. s. 7; 52 G. 3. c. 143. s. 8; 55 G. 3. c. 184. s. 7; 55 G. 3. c. 184. s. 8; 55 G. 3. c. 185. s. 6; 55 G. 3. c. 185. s. 7.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

1 Ann. st. 2. c. 22. s. 2. 1. Penalty for fraudulently withdrawing the legitimate impression from vellum, parchment or paper, already used, with intent to use the same for any other substance liable to duty. 1 Ann. st. 2. c. 22. s. 2.

1 Ann. st. 2. c. 22. s. 6. 2. Application of the penalty. 1 Ann. st. 2. c 22. s. 6.

1 Ann. st. 2. c. 22. s. 6. 3. Procedure for the penalty. 1 Ann. st. 2. c. 22. s. 6.

6 G. 1. c. 21. s. 55. 4. Penalty for fraudulently withdrawing the legitimate impression from playing cards. 6 G. 1. c. 21. s. 55.

6 G. 1. c. 21. s. 55. 5. Procedure for the penalty. 6 G. 1. c. 21. s. 55.

6 G. 1. c. 21. s. 55. 6. Application of the penalty. 6 G. 1. c. 21. s. 55.

7. Felony,

7. Felony, with not exceeding seven years transportation, for fraudulently withdrawing the legitimate impression from vellum, parchment, paper, playing cards, or wrapper thereof, with intent to use the same for any other substance liable to duty. 12 G. 3. c. 48. s. 1. 12 G. 3. c. 48. s. 1.

8. Offenders discovering other offenders shall be pardoned. 12 G. 3. c. 48. s. 2. 12 G. 3. c. 48. s. 2.

9. Death, sans clergy, to fabricate, with intent to defraud the king, a die in imitation of the legitimate stamp duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

10. Death, sans clergy, to counterfeit upon any substance, with intent to defraud the king, the impression of the legitimate stamp duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

11. Death, sans clergy, to counterfeit upon gold or silver plate, or other material, the impression of the legitimate plate duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

12. Death, sans clergy, to impress gold or silver plate, or other material, with a die in imitation of the legitimate plate duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

13. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, any substance impressed with a die in imitation of the legitimate stamp duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

14. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, any substance having thereon a counterfeit impression of the legitimate stamp duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

15. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, any substance having thereon a counterfeit impression of the legitimate stamp duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

16. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, gold or silver plate, or other material, impressed with a die in imitation of the legitimate plate duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

17. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, gold or silver plate, or other material, having thereon a counterfeit impression of the legitimate plate duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

18. Death, sans clergy, privately or secretly to use, with intent to defraud the king, the legitimate stamp duty die. 52 G. 3. c. 143. s. 7. 52 G. 3. c. 143. s. 7.

19. Death, sans clergy, to transpose from gold or silver wrought plate to gold or silver wrought plate, or to base metal ware, the legitimate plate duty impression. 52 G. 3. c. 153. s. 8. 52 G. 3. c. 143. s. 8.

20. Death, sans clergy, knowingly to sell, exchange, expose to sale, or export gold or silver plate or base metal ware, to which the legitimate plate duty impression has been transposed from gold or silver plate. 52 G. 3. c. 143. s. 8. 52 G. 3. c. 143. s. 8.

21. Death, sans clergy, to impress base metal ware with a die in imitation of the legitimate plate duty die. 52 G. 3. c. 143. s. 8. 52 G. 3. c. 143. s. 8.

22. Death, sans clergy, knowingly to sell, exchange, expose to sale, or export gold or silver wrought plate or base metal ware, impressed with a die in imitation of the legitimate plate duty die. 52 G. 3. c. 143. s. 8. 52 G. 3. c. 143. s. 8.

23. Death, sans clergy, wilfully and without excuse, the proof of which is thrown upon the accused, to have in possession a die in imitation of the legitimate plate duty die. 52 G. 3. c. 143. s. 8. 52 G. 3. c. 143. s. 8.

24. Death, sans clergy, to fabricate, with intent to defraud the king, a die in imitation of the legitimate stamp duty die. 55 G. 3. c. 184. s. 7. 55 G. 3. c. 184. s. 7.

25. Death, sans clergy, to counterfeit upon vellum, parchment or paper, with intent to defraud the king, the impression of the legitimate stamp duty die. 55 G. 3. c. 184. s. 7. 55 G. 3. c. 184. s. 7.

55 G. 3. c. 184. s. 7. 26. Death, sans clergy, to impress, with intent to defraud the king, vellum, parchment or paper, with a die in imitation of the legitimate stamp duty die. 55 G. 3. c. 184. s. 7.

55 G. 3. c. 184. s. 7. 27. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, vellum, parchment or paper impressed with a die in imitation of the legitimate stamp duty die. 55 G. 3. c. 184. s. 7.

55 G. 3. c. 184. s. 7. 28. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, vellum, parchment or paper, having thereon a counterfeit impression of the legitimate stamp duty die. 55 G. 3. c. 184. s. 7.

55 G. 3. c. 184. s. 7. 29. Death, sans clergy, privately and secretly to use, with intent to defraud the king, the legitimate stamp duty die. 55 G. 3. c. 184. s. 7.

55 G. 3. c. 184. s. 7. 30. Death, sans clergy, fraudulently to withdraw the legitimate stamp duty impression from any vellum, parchment or paper whatsoever, with intent to use the same for or upon any other vellum, parchment or paper, or any instrument or writing liable to duty. 55 G. 3. c. 184. s. 7.

55 G. 3. c. 185. s. 6. 31. Death, sans clergy, to forge, with intent to defraud the king, the legitimate stamp duty die, or any part thereof, for almanacks, newspapers and stage-coach licences. 55 G. 3. c. 185. s. 6.

55 G. 3. c. 185. s. 6. 32. Death, sans clergy, to counterfeit upon any paper, with intent to defraud the king, the impression of the legitimate stamp duty die for almanacks, newspapers and stage-coach licences. 55 G. 3. c. 185. s. 6.

55 G. 3. c. 185. s. 6. 33. Death, sans clergy, to impress, with intent to defraud the king, any paper with a die in imitation of the legitimate stamp duty die for almanacks, newspapers and stage-coach licences. 55 G. 3. c. 185. s. 6.

55 G. 3. c. 185. s. 6. 34. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, any paper impressed with a die in imitation of the legitimate stamp duty die for almanacks, newspapers and stage-coach licences. 55 G. 3. c. 185. s. 6.

55 G. 3. c. 185. s. 6. 35. Death, sans clergy, knowingly to utter, sell or expose to sale, with intent to defraud the king, any paper having thereon a counterfeit impression of the legitimate stamp duty die for almanacks, newspapers and stage-coach licences. 55 G. 3. c. 185. s. 6.

55 G. 3. c. 185. s. 6. 36. Death, sans clergy, privately and secretly to use, with intent to defraud the king, the legitimate stamp duty die. 55 G. 3. c. 185. s. 6.

55 G. 3. c. 185. s. 7. 37. Death, sans clergy, to fabricate, with intent to defraud the king, a die in imitation of the legitimate plate duty die. 55 G. 3. c. 185. s. 7.

55 G. 3. c. 185. 38. Death, sans clergy, to counterfeit, with intent to defraud the king, upon gold or silver plate, the impression of the legitimate plate duty die. 55 G. 3. c. 185. s. 7.

55 G. 3. c. 185. s. 7. 39. Death, sans clergy, to impress, with intent to defraud the king, gold or silver plate, or base metal ware, with a die in imitation of the legitimate plate duty die. 55 G. 3. c. 185. s. 7.

55 G. 3. c. 185. s. 7. 40. Death, sans clergy, to transpose, with intent to defraud the king, from gold or silver plate to gold or silver plate, or to base metal ware, the legitimate plate duty impression. 55 G. 3. c. 185. s. 7.

55 G. 3. c. 185. s. 7. 41. Death, sans clergy, knowingly to sell, exchange, expose to sale, or export, with intent to defraud the king, gold or silver plate, or base metal ware, impressed with a die in imitation of the legitimate plate duty die. 55 G. 3. c. 185. s. 7.

55 G. 3. c. 185. s. 7. 42. Death, sans clergy, knowingly to sell, exchange, expose to sale or export, with intent to defraud the king, gold or silver plate or base metal ware, having thereon a counterfeit impression of the legitimate plate duty die. 55 G. 3. c. 185. s. 7.

43. Death,

43. Death, sans clergy, knowingly to sell, exchange, expose to sale or export, with intent to defraud the king, gold or silver plate or base metal ware, to which the legitimate plate duty impression has been transposed from gold or silver plate. 55 G. 3. c. 185. s. 7. 55 G. 3. c. 185 s. 7.

44. Death, sans clergy, wilfully and without excuse, the proof of which is thrown upon the accused, to have in possession, with intent to defraud the king, a die in imitation of the legitimate plate duty die. 55 G. 3. c. 185. s. 7. 55 G. 3. c. 185. s. 7.

45. Death, sans clergy, privately and secretly to use, with intent to defraud the king, the legitimate plate duty die. 55 G. 3. c. 185. s. 7. 55 G. 3. c. 185. s. 7.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The enactments having been analysed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

It appears from the analysis, that the provisions under consideration relate to—1° *The Denunciation of Offences*; 2° *The Application of Penalties*; 3° *Procedure*; 4° *Savings and Exemptions*. Hence, four principal divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

A. The Denunciation of Offences—1. 4. 7. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45.

B. The Application of Penalties—2. 6.

C. Procedure—3. 5.

D. Savings and Exemptions—8.

A. As to the Denunciation of Offences:—It appears from the analysis, that the provisions relating to the denunciation of offences relate to—1° *Abusing the Legitimate Die*; 2° *Abusing the Legitimate Impression*; 3° *Counterfeiting the Legitimate Die*; 4° *Counterfeiting the Legitimate Impression*. Hence, four subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

I. *Abusing the Lgitimate Die*—18. 29. 36. 45.

II. *Abusing the Legitimate Impression*—1. 4. 7. 19, 26. 30. 40. 43.

III. *Counterfeiting the Legitimate Die*—9, 23, 24. 31. 37. 44.

IV. *Counterfeiting the Legitimate Impression*—10, 11, 12, 13, 14, 15, 16, 17. 21, 22. 25, 26, 27, 28. 32, 33, 34, 35. 38, 39. 41, 42.

I. *As to abusing the Legitimate Die*:—It appears from the analysis, that the provisions relating to abusing the legitimate die relate to—1° *The Stamp Duty Die*; 2° *The Plate Duty Die*. Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *The Stamp Duty Die*—18. 29.

2° *The Plate Duty Die*—45.

II. *As to abusing the Legitimate Impression*:—It appears from the analysis, that the provisions relating to abusing the legitimate impression relate to—1° *The Stamp Duty Die*; 2° *The Plate Duty Die*. Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed

fixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *The Stamp Duty Die*—1. 4. 7. 30.

2° *The Plate Duty Die*—19, 20. 40. 43.

1° *As to the Stamp Duty Die*:—It appears from the analysis, that provisions relating to the stamp duty die all relate to the act of transposition. No further subdivision of these therefore is requisite.

2° *As to the Plate Duty Die*:—It appears from the analysis, that provisions relating to the plate duty die relate to—1° *Transposing the Impression*; 2° *Vending a Transposed Impression.* Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Transposing the Impression*—19. 40.

2 *Vending a Transposed Impression*—20. 43.

III. *As to Counterfeiting the Legitimate Die*—It appears from the analysis, that the provisions relating to this subject relate to—1° *The Stamp Duty Die*; 2° *The Plate Duty Die.* Hence two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *The Stamp Duty Die*—9. 24. 31.

2° *The Plate Duty Die*—23. 37. 44.

1° *As to the Stamp Duty Die*:—It appears from the analysis, that provisions relating to the stamp duty die all relate to the act of fabrication. No further subdivision of these therefore is requisite.

2° *As to the Plate Duty Die*:—It appears from the Analysis, that provisions relating to the plate duty die relate to—1° *Fabricating the Die*; 2° *Having in possession a Fabricated Die.* Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the Analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Fabricating the Die*—37.

2° *Having in possession a Fabricated Die*—23. 44.

IV. *As to Counterfeiting the Legitimate Impression*:—It appears from the analysis, that provisions relating to counterfeiting the legitimate impression relate to—2° *The Stamp Duty Die*; 2° *The Plate Duty Die.* Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *The Stamp Duty Die*—10. 13. 14. 15. 25. 26. 27. 28. 32. 33. 34. 35.

2° *The Plate Duty Die*—11. 12. 16. 17. 21. 22. 38. 39. 41. 42.

1° *As to the Stamp Duty Die*:—It appears from the analysis, that provisions relating to the stamp duty die relate to—1° *Counterfeiting the Impression*; 2° *Vending a Counterfeit Impression.* Hence, two other subordinate divisionsof arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Counterfeiting the Impression*—10. 13. 25. 26. 32. 33.

2° *Vending a Counterfeit Impression*—14. 15. 27. 28. 34. 35.

1° *As to Counterfeiting the Impression*:—It appears from the analysis, that provisions relating to counterfeiting the impression relate to—1° *Counterfeiting by a Die*; 2° *Counterfeiting by other Means*. Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Counterfeiting by a Die*—13. 26. 33.

2° *Counterfeiting by other Means*—10. 25. 32.

2° *As to Vending a Counterfeit Impression*:—It appears from the analysis, that provisions relating to vending a counterfeit impression relate to—1° *Vending an Impression counterfeited by a Die*; 2° *Vending an Impression counterfeited by other Means*. Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Vending an Impression counterfeited by a Die*—14. 27. 34.

2° *Vending an Impression counterfeited by other Means*—15. 28. 35.

1° *As to the Plate Duty Die*:—It appears from the analysis, that provisions relating to the plate duty die relate to—1° *Counterfeiting the Impression*; 2° *Vending a Counterfeit Impression*. Hence two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Counterfeiting the Impression*—11. 12. 21. 38. 39.

2° *Vending a Counterfeit Impression*—16, 17. 22. 41, 42.

1° *As to Counterfeiting the Impression*:—It appears from the analysis, that provisions relating to counterfeiting the impression relate to—1° *Counterfeiting by a Die*; 2° *Counterfeiting by other Means*. Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:—

1° *Counterfeiting by a Die*—12. 21. 39.

2° *Counterfeiting by other Means*—11. 38.

2° *As to Vending a Counterfeit Impression*:—It appears from the Analysis, that provisions relating to vending a counterfeit impression relate to—1° *Vending an Impression counterfeited by a Die*; 2° *Vending an Impression counterfeited by other Means*. Hence, two other subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Vending an Impression counterfeited by a Die*—16. 22. 41.

2° *Vending an Impression counterfeited by other Means*—17. 42.

1. *The Stamp Duty Die*—18 (*a*). 29 (*b*). 36 (*c*).

[52 G. 3. c. 143. s. 7.]—If any person shall privately [1] or [2] secretly use any [3] mark, stamp, die or plate [4], which [5] in pursuance of any act or acts of parliament [6] shall have been provided, made or used [7] by or under the direction of 52 G. 3. c. 143. s. 7.

(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 55 G. 3. c. 184. s. 7.
(*c*) 55 G. 3. c. 185. s. 6.

of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for expressing or denoting any duty or duties, or any part thereof, which shall be under the care and management of the said commissioners; or for denoting or testifying the payment of any such duty or duties, or any part thereof; or for denoting any device appointed by the said commissioners for the ace of spades, to be used with any playing cards [8], with intent to defraud his Majesty, his heirs or successors [9], of any of the duties, or any part of the duties under the care and management of the said commissioners [10]; every person so offending [11], and being thereof convicted [12], shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [13].

55 G. 3. c. 184. s. 7.

[55 G. 3. c. 184. s. 7.]—If any person shall privately [1] and [2] secretly use any [3] stamp or die [4], which [5] shall have been provided, made or used [6], in pursuance of this act, or in pursuance of any former act or acts relating to any stamp duty or duties [7], with intent to defraud his Majesty, his heirs or successors [8], of any of the said duties, or any part thereof [9]; then and in every such case every person so offending [10], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [11], and being thereof lawfully convicted [12], shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [13].

It appears from the notes to the 55 G. 3. c. 184. s. 7. that its provisions are in every respect equivalent to, and, in one respect, more extensive than those of the 52 G. 3. c. 143. s. 7. The 52 G. 3. c. 143. s. 7, therefore, may be considered as virtually merged in and repealed by the 55 G. 3. c. 184. s. 7.

55 G. 3. c. 185. s. 6.

[55 G. 3. c. 185. s. 6.]—If any person shall privately [1] and [2] secretly use any [3] plate stamp or die [4], which [5] shall have been provided, made or used [6], in pursuance of this or any former act, for expressing and denoting any of the duties granted by this or any former act, on almanacks, newspapers and licences to keep stage-coaches [7], with intent to defraud his Majesty, his heirs or successors [8]; then every person so offending [9], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [10], and being thereof lawfully convicted [11], shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [12].

It appears from the notes to the 55 G. 3. c. 185. s. 6. that its provisions, in point of language, are in every respect co-extensive with those of the 55 G. 3. c. 185. s. 6. By using, therefore, the language of the 55 G. 3. c. 184. s. 7, and carrying their operation down to the period of the 55 G. 3. c. 185. s. 6. all consideration of the latter statute ceases to be necessary.

2° *The Plate Duty Die*—45 (*a*.)

Since there is a single provision only under this division of the subject, it is unnecessary to give any details.

1° *The*

Notes to 55 *G.* 3. *c.* 184. *s.* 7.

[1] Same as [1] in 52 G. 3.
[2] The word is 'or' in division [2] of 52 G. 3. but the effect is the same.
[3] Same as [3] in 52 G. 3.
[4] Equivalent to [4] in 52 G. 3.
[5] Same as [5] in 52 G. 3.
[6] Same as [7] in 52 G. 3.
[7] Equivalent to [6] and [8] in 52 G. 3.
[8] Same as [9] in 52 G. 3.
[9] Equivalent to [10] in 52 G. 3.
[10] Equivalent to [11] in 52 G. 3.
[11] Not in 52 G. 3.
[12] Equivalent to [12] in 52 G. 3.
[13] Same as [13] in 52 G. 3.

Notes to 55 *G.* 3. *c.* 185. *s.* 6.

[1] Same as [1] in 55 G. 3. c. 184.
[2] Same as [2] in 55 G. 3. c. 184.
[3] Same as [3] in 55 G. 3. c. 184.
[4] Equivalent to [4] in 55 G. 3. c. 184.
[5] Same as [5] in 55 G. 3. c. 184.
[6] Same as [6] in 55 G. 3. c. 184.
[7] Equivalent to [7] in 55 G. 3. c. 184.
[8] Same as [8], and more extensive than [9], in 55 G. 3. c. 184.
[9] Equivalent to [10] in 55 G. 3. c. 184.
[10] Same as [11] in 55 G. 3. c. 184.
[11] Same as [12] in 55 G. 3. c. 184.
[12] Same as [13] in 55 G. 3. c. 184.
(*a*) 55 G. 3. c. 185. s. 7.

1° *The Stamp Duty Die*—1 (*a*). 4 (*b*). 7 (*c*). 30 (*d*).

[1 Ann. st. 2. c. 22. s. 2.]—If any person or persons [1] shall fraudulently [2] cut [3], tear [4] or get off [5] any mark [6] or stamp [7] from any piece of vellum, parchment or paper [8], or any part thereof [9]*, with intent to use such stamp or mark [10] for [11] any other writing, matter or thing [12], in respect whereof any duty shall be payable, by virtue of the several acts of parliament, or any of them, imposing duties on stamped vellum, parchment and paper [13]; then so often and in every such case every person so offending in any of the particulars before mentioned [14], shall for every such offence forfeit the sum of twenty pounds [15]. 1 Ann, st. 2. c. 22. s. 2.

[6 G. 1. c. 21. s. 55.]—If any person or persons [1] shall fraudulently [2] cut [3], tear [4] or get off [5], any mark [6] or stamp [7], in respect whereof or whereby any duties are payable or are denoted to be paid or payable to his Majesty on playing cards [8]; then so often and in every such case every person so offending in any of the particulars before-mentioned [9], shall for every such offence forfeit the sum of ten pounds [10]. 6 G. 1. c. 21. s. 55.

Though, in point of expression, divisions [8] and [9] of 1 Ann. st. 2. c. 22. s. 2. have no corresponding divisions in 6 G. 1. c. 21. s. 55. yet they are virtually implied in that act. Hence the influence of 6 G. 1. upon 1 Ann. as shewn by the notes to 6 G. 1. is, that—1° With reference to the stamp for playing cards, it repeals it. 2° In other respects the 1 Ann. is in full force.

[12 G. 3. c. 48. s. 1.]—If any person or persons [1] shall fraudulently [2] cut [3], tear [4], or get off [5] any mark [6] or stamp [7] in respect whereof or whereby any duties are or shall be payable, or denoted to be paid or payable, by any act or acts made or to be made in that behalf [8], from any piece of vellum, parchment, paper, playing cards, outside paper of any parcel or pack of playing cards [9], or any part thereof [10], with intent to use such stamp or mark [11] for [12] any other writing, matter or thing [13], in respect whereof any such duty is or shall be payable or denoted to be paid or payable as aforesaid [14]; then so often and in every such case every person so offending in any of the particulars before mentioned [15], and every person knowingly and wilfully aiding, abetting or assisting any person or persons to commit any such offence or offences as aforesaid [16], shall be deemed and construed to be guilty of felony [17], and being thereof convicted by due course of law, shall be transported to some of his Majesty's plantations beyond the seas for a term not exceeding seven years, according to the laws in force for the transportation of felons [18]: and if any such person or persons 12 G. 3. c. 48. s. 1.

so

(*a*) 1 Ann. st. 2. c. 22. s. 2.
(*b*) 6 G. 1. c. 21. s. 55.
(*c*) 12 G. 3. c. 48. s. 1.
(*d*) 55 G. 3. c. 184. s. 7.

Notes to 6 G. 1. c. 21. s. 55.

[1] Same as [1] in 1 Ann.
[2] Same as [2] in 1 Ann. *per se*; but more extensive than [2] in 1 Ann. limited as that division is by [10], [11], [12], [13] of 1 Ann.
[3] Same as [3] in 1 Ann.
[4] Same as [4] in 1 Ann.
[5] Same as [5] in 1 Ann.
[6] Same as [6] in 1 Ann.
[7] Same as [7] in 1 Ann.
[8] Implied in 1 Ann.
[9] Same as [14] in 1 Ann.
[10] 'Twenty' pounds is the penalty in [15] of 1 Ann.

Notes to 12 G. 3. c. 48. s. 1.

[1] Same as [1] in 1 Ann, and [1] in 6 G. 1.
[2] Same as [2] in 1 Ann, and [2] in 6 G. 1. when considered *per se*, but, taken with the limitation of [11], [12], [13], [14] (*infra*) it is not so extensive as 6 G. 1.
[3] Same as [3] in 1 Ann. and [3] in 6 G. 1.
[4] Same as [4] in 1 Ann. and [4] in 6 G. 1.
[5] Same as [5] in 1 Ann. and [5] in 6 G. 1.
[6] Same as [6] in 1 Ann. and [6] in 6 G. 1.
[7] Same as [7] in 1 Ann. and [7] in 6 G. 1.
[8] Implied in 1 Ann. and more extensive than [8] in 6 G. 1.
[9] Same, *pro tanto*, as [8] in 1 Ann; not, in point of expression, in 6 G. 1. but, in respect to playing cards, implied therein.
[10] Same as [9] in 1 Ann; as to 6 G. 1, see the last note.
[11] Same as [10] in 1 Ann; not in 6 G. 1.
[12] Same as [11] in 1 Ann; not in 6 G. 1.
[13] Same as [12] in 1 Ann; not in 6 G. 1.
[14] Equivalent to [13] in 1 Ann; not in 6 G. 1.
[15] Same as [14] in 1 Ann. and [9] in 6 G. 1.
[16] Not in 1 Ann. or 6 G. 1.
[17] Not in 1 Ann.
[18] A pecuniary penalty is inflicted by [15] of 1 Ann, and [10] of 6 G. 1.

* That is, any part of any piece of vellum, &c.; not any part of any mark, &c.

so convicted or transported shall voluntarily escape or break prison, or return from transportation before the expiration of the time for which he, she or they shall be so transported as aforesaid, such person or persons being thereof lawfully convicted, shall suffer death as a felon, without benefit of clergy [19].

It has appeared that, excepting so far as respects the stamp for playing cards, the 1 Ann. st. 2. c. 22. s. 2. is in force, notwithstanding the 6 G. 1. c. 21. s. 55. The influence, however, of the 12 G. 3. c. 48. s. 1. upon the 1 Ann. as shewn by the notes to the 12 G. 3. is, that it virtually repeals it.

The influence of the 12 G. 3. upon the 6 G. 1. c. 21. s. 55. as shewn by the notes to 12 G. 3. is this—1° Division [2] in 6 G. 1. contains a provision more extensive than the 12 G. 3.; *pro tanto*, therefore, the 6 G. 1. is in force, notwithstanding the 12 G. 3. 2° In other respects it is impliedly repealed by the 12 G. 3.

55 G. 3. c. 184. s. 7.

[55 G. 3. c. 184. s. 7.]—If any person [1] shall fraudulently [2] cut [3], tear [4] or get off [5], or cause or procure to be cut, torn or got off [6], the impression of any stamp [7] or die [8], which shall have been provided, made or used, in pursuance of this or any former act, for expressing or denoting any duty or duties under the care and management of the commissioners of stamps, or any part of such duty or duties [9], from any vellum, parchment or paper whatsoever [10], with intent to use the same [11], for [12] or upon [13] any other vellum, parchment or paper, or any instrument or writing [14] charged or chargeable with any of the duties hereby granted [15]; then and in every such case every person so offending [16], and every person knowingly and wilfully aiding, abetting or assisting, any person or persons in committing any such offence as aforesaid [17], and being thereof lawfully convicted, shall be adjudged guilty of felony [18], and shall suffer death as a felon, without benefit of clergy [19].

It has appeared that division [2] in 6 G. 1. contains a provision more extensive than the 12 G. 3. and *pro tanto*, therefore, is in force, notwithstanding the 12 G. 3. And since it appears from the notes to the 55 G. 3. that division [2] in 6 G. 1. contains a provision more extensive than the 55 G. 3. the 6 G. 1. is in force *pro tanto*, notwithstanding the 55 G. 3.

The influence of the 55 G. 3. upon 12 G. 3. as shewn by the notes to the 55 G. 3. is this—1° Divisions [9], [10], [14] and [15] in 12 G. 3. contain provisions more extensive than the 55 G. 3.; *pro tanto*, therefore, the 12 G. 3. is still in force. 2° In other respects, it is impliedly repealed by 55 G. 3.

1° *Transposing the Impression*—19 (*a*). 40 (*b*).

52 G. 3. c. 143. s. 8.

[52 G. 3. c. 143. s. 8.]—If any person shall transpose or remove, or cause or procure to be transposed or removed, from one piece of [1] wrought [2] plate of gold or silver [3] to another, or to any vessel or ware of base metal, any impression made with any mark, stamp or die [4], provided, made or used by or under the

[19] See the last note, as to the punishments, of 1 Ann. and 6 G. 1.

Notes to 55 G. 3. c. 184. s. 7.

[1] Equivalent to [1] in 12 G. 3.
[2] Less extensive than [2] in 6 G. 1.; same as [3] in 12 G. 3.
[3] Same as [3] in 12 G. 3.
[4] Same as [4] in 12 G. 3.
[5] Same as [5] in 12 G. 3.
[6] Not in 12 G. 3.
[7] & [8] Equivalent to [6] & [7] in 12 G. 3.
[9] In its retrospective operation, equivalent to [8] in 12 G. 3. But 12 G. 3. has a prospective operation, ("any act or acts made *or to be made*.") Hence the operation of 12 G. 3. is, in this particular, more extensive than 55 G. 3.
[10] Less extensive than [9] & [10] in 12 G. 3. The 55 G. 3. does not use the particular term 'card,' or the generic term 'material' or 'substance.' Hence, though a fraudulent withdrawing of the legitimate impression from the outside wrapper of playing cards is a capital felony, yet semble, not from the ace of spades.
[11] Equivalent to [11] in 12 G. 3.
[12] Same as [12] in 12 G. 3.
[13] Not in 12 G. 3.
[14] Less extensive than [13] in 12 G. 3. vide supra, note [10].
[15] Less extensive than [14] in 12 G. 3. vide supra, note [9].
[16] Equivalent to [15] in 12 G. 3.
[17] Equivalent to [16] in 12 G. 3.
[18] Equivalent to [17] in 12 G. 3.
[19] Since the felony under this enactment is sans clergy, and the felony under the 12 G. 3. clergyable; the latter enactment is impliedly repealed by the 55 G. 3, excepting in the cases where its provisions are more extensive; in the cases, namely, mentioned in notes [9], [10], [14] and [15] to the 55 G. 3.
(*a*) 52 G. 3. c. 143. s. 8.
(*b*) 55 G. 3. c. 185. s. 7.

the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty on gold or silver plate [5]; every person so offending [6], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [7].

[55 G. 3. c. 185. s. 7.]—If any person shall transpose or remove, or cause or procure to be transposed or removed, from one piece of [1] gold or silver plate [2] to another, or to any vessel or ware of base metal, any impression made with any mark, stamp or die [3], which shall have been provided, made or used in pursuance of this or any former act, for the purpose of marking or stamping of any such gold or silver plate, made or wrought in Great Britain [4]; then every person so offending [5], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [6], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [7]. 55 G. 3. c. 185. s. 7.

The influence of 55 G. c. 185. s. 7. upon 52 G. 3. c. 143. s. 8. as shewn by the notes to 55 G. 3. is this—1° Since division [5] in 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is, *pro tanto*, in force, notwithstanding the 55 G. 3. 2° In other respects the 52 G. 3. is impliedly repealed by the 55 G. 3.

2° *Vending a Transposed Impression*—20 (*a*). 43 (*b*).

[52 G. 3. c. 143. s. 8.]—If any person shall sell, exchange, or expose to sale, or export out of Great Britain, any [1] wrought [2] plate of gold or silver [3], or any vessel or ware of base metal [4], having thereupon the impression of any mark, stamp or die, provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty, on gold or silver plate [5], which shall have been transposed or removed from any other piece of plate as aforesaid, knowing the same to be transposed or removed as aforesaid [6]; every person so offending [7], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [8]. 52 G. 3. c. 143. s. 8.

[55 G. 3. c. 185. s. 7.]—If any person shall sell, exchange or expose to sale, or export out of Great Britain, any [1] gold or silver plate [2], made or wrought in Great Britain [3], or any vessel or ware of base metal [4], having thereupon any impression of any mark, stamp or die, which shall have been provided, made or used in pursuance of this or any former act, relating to any duties on gold or silver plate made or wrought in Great Britain, for the purpose of making or stamping any such gold or silver plate in the manner directed by any such act [5], which shall have been transposed or removed from any other piece of plate as aforesaid, knowing the same to be transposed or removed as aforesaid [6]; then every 55 G. 3. c. 185. s. 7.

Notes to 55 G. 3. c. 185. s. 7.

[1] Same as [1] in 52 G. 3.

[2] More extensive than [2] and [3] in 52 G. 3. which speaks of *wrought* plate only, whereas the 55 G. 3. is general, plate *made or wrought*.

[3] Same as [4] in 52 G. 3.

[4] It seems that division [5] in 52 G. 3. has a prospective operation, and therefore is more extensive than 55 G. 3.

[5] Same as [6] in 55 G. 3.

[6] Not in 52 G. 3.

[7] Same as [7] in 52 G. 3.

(*a*) 52 G. 3. c. 143. s. 8.

(*b*) 55 G. 3. c. 185. s. 7.

Notes to 55 G. 3. c. 185. s. 7.

[1] Same as [1] in 52 G. 3.

[2] Same as [3] in 52 G. 3.

[3] More extensive than [2] in 52 G. 3.

[4] Same as [4] in 52 G. 3.

[5] It seems that division [5] in 52 G. 3. has a prospective operation, and, therefore, is more extensive than 55 G. 3.

[6] More extensive than [6] in 52 G. 3.

every person so offending [7], and every person knowingly and wilfully aiding, abetting or assisting, any person or persons in committing any such offence as aforesaid [8], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [9].

The influence of the 55 G. 3. c. 185. s. 7. upon the 52 G. 3. c. 143. s. 8. as shewn by the notes to 55 G. 3. is this—1° Since division [5] in 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is, *pro tanto*, in force, notwithstanding the 55 G. 3.—2° In other respects the 52 G. 3. is repealed by the 55 G. 3.

1° *The Stamp Duty Die*—9 (*a*). 24 (*b*). 31 (*c*)

52 G. 3. c. 143. s. 7.

[52 G. 3. c. 143. s. 7.]—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited any [1] mark [2], stamp [3], die [4], or plate [5], which in pursuance of any act or acts of parliament shall have been provided made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for expressing or denoting any duty or duties, or any part thereof, which shall be under the care or management of the said commissioners; or for denoting or testifying the payment of any such duty or duties, or any part thereof, or for denoting any device appointed by the said commissioners for the ace of spades to be used with any playing cards [6]; every person so offending [7], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [8].

55 G. 3. c. 184. s. 7.

[55 G. 3. c. 184. s. 7.]—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited any [1], stamp [2] or die [3], or any part of any stamp or die [4], which shall have been provided, made or used in pursuance of this act, or in pursuance of any former act or acts relating to any stamp duty or duties [5], with intent to defraud his Majesty, his heirs or successors, of any of the duties hereby granted, or any part thereof [6]; then and in every such case every person so offending [7], and every person knowingly and wilfully aiding abetting or assisting any person or persons in committing any such offence as aforesaid [8], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon without benefit of clergy [9].

The influence of 55 G. 3. c. 184. s. 7. upon 52 G. 3. c. 143. s. 7. as shewn by the notes to 55 G. 3. is this—1° Since division [6] in 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is, *pro tanto*, in force, notwithstanding the 55 G. 3.—2° In other respects the 52 G. 3. is impliedly repealed by the 55 G. 3.

55 G. 3. c. 185. s. 6.

[55 G. 3. c. 185. s. 6.]—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any [1] plate [2], stamp [3] or die [4], or any part of any plate, stamp or die [5], which shall have been provided, made or used in pursuance of this or any former act, for expressing and denoting any of the duties

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[7] Same as [7] in 52 G. 3.
[8] Not in 52 G. 3.
[9] Same as [8] in 52 G. 3.
(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 55 G. 3. c. 184. s. 7.
(*c*) 55 G. 3. c. 185. s. 6.

Notes to 55 *G.* 3. *c.* 184. *s.* 7.

[1] Same as [1] in 52 G. 3.
[2] Same as [3] in 52 G. 3, and equivalent to [2] and [5] in 52 G. 3.
[3] Same as [4] in 52 G. 3, and equivalent to [3] and [5] in 52 G. 3.
[4] Not in 52 G. 3.
[5] It seems that division [6] in 52 G. 3. has a prospective operation, and, therefore, is more extensive than 55 G. 3.
[6] A fraudulent intention seems to be necessarily implied in 52 G. 3.
[7] Equivalent to [7] in 52 G. 3.
[8] Not in 52 G. 3.
[9] Same as [8] in 52 G. 3.

Notes to 55 *G.* 3. *c.* 185. *s.* 6.

[1] Same as [1] in 52 G. 3, and [1] in 55 G. 3. c. 184.
[2] Same as [5] in 52 G. 3, and equivalent to [2] in 52 G. 3.
[3] Same as [3] in 52 G. 3, and equivalent to [2] in 52 G. 3.
[4] Same as [4] in 52 G. 3, and [3] in 55 G. 3. c. 184, and equivalent to [2] in 52 G. 3.
[5] Not in 52 G. 3; equivalent to [4] in 55 G. 3. c. 184.

duties granted by this or any former act, on almanacks, newspapers and licences to keep stage-coaches [6], with intent to defraud his Majesty, his heirs or successors, of any of the duties hereby granted on almanacks, newspapers and licenses to keep stage-coaches, or any part thereof; then every person so offending [8], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [9], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [10].

It has appeared that division [6] in 52 G. 3. is more extensive than 55 G. 3. c. 184. and *pro tanto*, therefore, is in force, notwithstanding the 55 G. 3. c. 184. And since it appears from the notes to the 55 G. 3. c. 185. that division [6] in 52 G. 3. is more extensive than 55 G. 3. c. 185. it follows that the 52 G. 3. is, *pro tanto*, in force, notwithstanding the 55 G. 3. c. 185.

The influence of the 55 G. 3. c. 185. upon the 55 G. 3. c. 184. as shewn by the notes to the 55 G. 3. c. 185. is this—1° Since the 55 G. 3. c. 185. is co-extensive with the 55 G. 3. c. 184. the 55 G. 3. c. 184. may, quoad the subject matter of the 55 G. 3. c. 185. be considered as superseded by that act.

1° *Fabricating the Die*—37 (*a*).

Since there is a single provision only under this division of the subject, it is unnecessary to give any details.

2° *Having in possession a fabricated Die*—23 (*b*). 44 (*c*).

[52 G. 3. c. 143. s. 8.]—If any person shall wilfully, and without lawful excuse, (the proof whereof shall be on the person accused) have or be possessed of any [1] mark, stamp or die [2], which shall have been forged or counterfeited [3], in imitation of or to resemble any mark, stamp or die [4], provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty on gold or silver plate [5]; every person so offending [6], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [7]. 52 G. 3. c. 143. s. 8.

[55 G. 3. c. 185. s. 7.]—If any person shall wilfully, and without lawful excuse, (the proof whereof shall be on the person accused) have or be possessed of any [1] forged or counterfeited [2] mark, stamp or die [3], after any mark, stamp or die [4], which shall have been provided, made or used in pursuance of this or any former act relating to any duties on gold or silver plate made or wrought in Great Britain, for the purpose of marking or stamping any such gold or silver plate in the manner directed by any such act [5]; then every person so offending [6], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [7], and being thereof lawfully 55 G. 3. c. 185. s. 7.

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[6] Since [6] in 52 G. 3. has, it seems, a prospective operation, the 55 G. 3. c. 185. is, in this respect, less extensive than the 52 G. 3. The 55 G. 3. c. 184. and 55 G. 3. c. 185. passed the same day; neither is prospective in its operation; this division, therefore, of 55 G. 3. c. 185. is, quoad its subject matter, co-extensive only with division [5] of 55 G. 3. c. 184.

[7] Implied in 52 G. 3, and equivalent to [6] in 55 G. 3. c. 185.

[8] Equivalent to [7] in 52 G. 3, and [7] in 55 G. 3. c. 185.

[9] Not in 52 G. 3; same as [8] in 55 G. 3. c. 185.

[10] Same as [8] in 52 G. 3. and [9] in 55 G. 3. c. 185.

(*a*) 55 G. 3. c. 185. s. 7.
(*b*) 52 G. 3. c. 143. s. 8.
(*c*) 55 G. 3. c. 185. s. 7.

Notes to 55 G. 3. c. 185. *s.* 7.

[1] Same as [1] in 52 G. 3.
[2] Same as [3] in 52 G. 3.
[3] Same as [2] in 52 G. 3.
[4] Semble, less extensive than [4] in 52 G. 3.
[5] Since division [5] of 52 G. 3. is, comme semble, prospective in its operation, the 55 G. 3. is, in this respect, less extensive than the 52 G. 3.
[6] Same as [6] in 52 G. 3.
[7] Not in 52 G. 3.

lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [8].

The influence of the 55 G. 3. c 185. s. 7. upon the 52 G. 3. c. 143. s. 8. as shewn by the notes to the 55 G. 3. is this—1° Since divisions [4] and [5] in 52 G. 3. are more extensive than 55 G. 3. the 52 G. 3. is in force, *pro tanto*, notwithstanding the 55 G. 3.—2° In other respects the 52 G. 3. is merged in the 55 G. 3.

1° *Counterfeiting by a Die*—13 (*a*). 26 (*b*). 33 (*c*).

52 G. 3. c. 143. s. 7.

[52 G. 3. c. 143. s. 7.]—If any person shall stamp or mark, or cause or procure to be stamped or marked, any vellum [1], parchment [2], paper [3], card, ivory, gold or silver plate, or other material [4], with a forged or counterfeited [5] mark [6], stamp [7], die [8] or plate [9], after any mark, stamp, die or plate [10], which, in pursuance of any act or acts of parliament, shall have been provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for expressing or denoting any duty or duties, or any part thereof, which shall be under the care and management of the said commissioners; or for denoting or testifying the payment of any such duty or duties, or any part thereof; or for denoting any device appointed by the said commissioners for the ace of spades to be used with any playing cards [11], with intent to defraud his Majesty, his heirs or successors, of any of the duties, or any part of the duties, under the care and management of the said commissioners [12]; every person so offending [13], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [14].

55 G. 3. c. 184. s. 7.

[55 G. 3. c. 184. s. 7.]—If any person shall stamp or mark, or cause or procure to be stamped or marked, any vellum [1], parchment [2] or paper [3], with any forged or counterfeited [4] stamp [5] or die [6], or any part of any stamp or die [7], forged or counterfeited [8], after any stamp or die [9] which shall have been provided, made or used in pursuance of this act, or in pursuance of any former act or acts relating to any stamp duty or duties [10], with intent to defraud his Majesty, his heirs or successors, of any of the duties hereby granted, or any part thereof [11]; then and in every such case every person so offending [12], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [13], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [14].

The influence of 55 G. 3. c. 184. s. 7. upon 52 G. 3. c. 143. s. 7. as shewn by the notes to 55 G. 3. is this—1° Since division [11] of 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is, *pro tanto*, in force, notwithstanding the 55 G. 3.—2° In other respects the 52 G. 3. is impliedly repealed by the 55 G. 3.

[55 G. 3.

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[8] Same as [7] in 52 G. 3.
(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 55 G. 3. c. 184. s. 7.
(*c*) 55 G. 3. c. 185. s. 6.

Notes to 55 *G.* 3. *c.* 184. *s.* 7.

[1] Same as [1] in 52 G. 3.
[2] Same as [2] in 52 G. 3.
[3] Same as [3] in 52 G. 3.
[4] Same as [5] in 52 G. 3.
[5] Same as [7] in 52 G. 3, and equivalent to [6] and [9] in 52 G. 3.
[6] Same as [8] in 52 G. 3, and equivalent to [6] and [9] in 52 G. 3.
[7] Not in 52 G. 3.
[8] Not in 52 G. 3.
[9] Equivalent to [10] in 52 G. 3.
[10] Since division [11] of 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3.
[11] Equivalent to [12] in 55 G. 3.
[12] Equivalent to [13] in 55 G. 3.
[13] Not in 55 G. 3.
[14] Same as [14] in 55 G. 3.

[55 G. 3. c. 185. s. 6.]—If any person shall stamp or mark, or cause or procure to be stamped or marked, any paper whatsoever [1], with any forged or counterfeited [2] plate [3], stamp [4] or die [5], after any plate, stamp or die [6] which shall have been provided, made or used in pursuance of this or any former act, for expressing and denoting any of the duties granted by this or any former act on almanacks, newspapers and licences to keep stage-coaches [7], with intent to defraud his Majesty, his heirs or successors, of any of the duties hereby granted on almanacks, newspapers and licences to keep stage-coaches, or any part thereof [8]; then every person so offending [9], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [10], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [11]. 55 G. 3. c. 185. s. 6.

It has appeared that division [11] of 52 G. 3. c. 143. s. 7. is in force, notwithstanding the 55 G. 3. c. 184. s. 7; and since, from the notes to the 55 G. 3. c. 185. s. 6. it appears that division [11] of 52 G. 3. is more extensive than 55 G. 3. c. 185. s. 6. it follows that the 52 G. 3. is in force, *pro tanto*, notwithstanding the 55 G. 3. c. 185. s. 6.

It appears from the notes to 55 G. 3. c. 185. s. 6. that its provisions, quoad its subject matter, are co-extensive with those of the 55 G. 3. c. 184. s. 7. One enactment, therefore, may be made to serve for both.

2° *Counterfeiting by other Means*—10 (*a*). 25 (*b*). 32 (*c*).

[52 G. 3. c. 143. s. 7.]—If any person shall forge or counterfeit [1], or cause or procure to be forged or counterfeited [2], the impression [3] or any resemblance of the impression [4] of any mark [5], stamp [6], die [7] or plate [8], which, in pursuance of any act or acts of parliament shall have been provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for expressing or denoting any duty or duties, or any part thereof, which shall be under the care and management of the said commissioners; or for denoting or testifying the payment of any such duty or duties, or any part thereof; or for denoting any device appointed by the said commissioners for the ace of spades to be used with any playing cards [9], upon any vellum, parchment, paper, card, ivory, [*gold or silver plate*] or other material [10], with intent to defraud his Majesty, his heirs or successors, of any of the duties, or any part of the duties, under the care and management of the said commissioners [11]; every person so offending [12], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [13]. 52 G. 3. c. 143. s. 7.

[55 G. 3. c. 184. s. 7.]—If any person shall forge, counterfeit [1] or resemble [2], the 55 G. 3. c. 184. s. 7.

Notes to 55 *G.* 3. *c.* 185. *s.* 6.

[1] Same as [3] in 52 G. 3. c. 143. s. 7, and [3] in 55 G. 3. c. 184.

[2] Same as [5] in 52 G. 3, and [4] in 55 G. 3. c. 184.

[3] Same as [9] in 52 G. 3.

[4] Same as [7] in 52 G. 3, and [5] in 55 G. 3. c. 184.

[5] Same as [8] in 52 G. 3, and [6] in 55 G. 3. c. 184.

[6] Equivalent to [10] in 52 G. 3, and [9] in 55 G. 3. c. 184.

[7] Since division [11] of 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3. The 55 G. 3. c. 184, and 55 G. 3. c. 185, passed the same day; neither is prospective in its operation; this division, therefore, of 55 G. 3. c. 185. is, quoad its subject matter, co-extensive only with division [10] of 55 G. 3. c. 184.

[8] Equivalent to [12] in 52 G. 3, and [11] in 55 G. 3. c. 184.

[9] Same as [13] in 52 G. 3. and [12] in 55 G. 3. c. 184.

[10] Not in 52 G. 3; same as [13] in 55 G. 3. c. 184.

[11] Same as [14] in 52 G. 3, and [14] in 55 G. 3. c. 184.

(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 55 G. 3. c. 184. s. 7.
(*c*) 55 G. 3. c. 185. s. 6.

Notes to 55 *G.* 3. *c.* 184. *s.* 7.

[1] Same as [1] in 52 G. 3.

[2] Not in 52 G. 3.

the impression [3] or any part of the impression [4] of any stamp [5] or die [6], which shall have been provided, made or used in pursuance of this act, or in pursuance of any former act or acts relating to any stamp duty or duties [7] upon any vellum, parchment or paper [8], with intent to defraud his Majesty, his heirs or successors, of any of the duties hereby granted, or any part thereof [9]; then and in every such case every person so offending [10], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [11], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [12].

The influence of the 55 G. 3. c. 184. s. 7. upon the 52 G. 3. c. 143. s. 7. as shewn by the notes to 55 G. 3. is this—1° Since divisions [2] and [4] in 52 G. 3. have no corresponding divisions in 55 G. 3. the 52 G. 3. is, *pro tanto*, in force, notwithstanding the 55 G. 3.—2° Since division [9] of 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is, *pro tanto*, in force, notwithstanding the 55 G. 3.—3° In other respects the 52 G. 3. is impliedly repealed by the 55 G. 3.

55 G. 3. c. 185. s. 6.

[55 G. 3. c. 185. s. 6.]—If any person shall forge, counterfeit [1] or resemble [2], or cause or procure to be forged, counterfeited or resembled [3], the impression [4] or any part of the impression [5] of any plate [6], stamp [7] or die [8], which shall have been provided, made or used in pursuance of this or any former act, for expressing and denoting any of the duties granted by this or any former act, on almanacks, newspapers, and licences to keep stage-coaches [9], upon any paper whatsoever [10], with intent to defraud his Majesty, his heirs or successors, of any of the duties hereby granted on almanacks, newspapers and licenses to keep stage-coaches, or any part thereof [11]; then every person so offending [12], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [13], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [14].

It has appeared that divisions [2], [4], and [9] of 52 G. 3. c. 143. s. 7. are in force notwithstanding the 55 G. 3. c. 184. s. 7. The influence of the 55 G. 3. c. 185. s. 6. upon these divisions, as shewn by the notes to 55 G. 3. c. 185. is this—1° Since the 55 G. 3. c. 185. has divisions corresponding with divisions [2] and [4] of 52 G. 3. it follows, that quoad the particular subject-matter of 55 G. 3. c. 185. divisions [2] and [4] of 52 G. 3. are *pro tanto* superseded by the 55 G. 3. c. 185.—2° But since division [9] of 52 G. 3. is more extensive than 55 G. 3. c. 185. it follows, that the 52 G. 3. is *pro tanto* still in force, notwithstanding the 55 G. 3. c. 185.

It

[3] Same as [3] in 52 G. 3.
[4] Not in 52 G. 3.
[5] Same as [6] in 52 G. 3, and equivalent to [5] and [8] in 52 G. 3.
[6] Same as [7] in 52 G. 3, and equivalent to [4] and [8] in 52 G. 3.
[7] Since division [9] in 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3.
[8] Less extensive than [10] in 52 G. 3.
[9] Equivalent to [11] in 52 G. 3.
[10] Equivalent to [12] in 52 G. 3.
[11] Not in 52 G. 3.
[12] Same as [13] in 52 G. 3.

Notes to 55 *G.* 3. *c.* 185. *s.* 6.

[1] Same as [1] in 52 G. 3; and [1] in 55 G. 3. c. 184.
[2] Equivalent to [4] in 52 G. 3; same as [2] in 55 G. 3. c. 184.
[3] Same as [3] in 52 G. 3; not in 55 G. 3. c. 184.
[4] Same as [3] in 52 G. 3, and [3] in 55 G. 3. c. 184.
[4] Not in 52 G. 3; same as [4] in 55 G. 3. c. 184.
[6] Equivalent to [5], and same as [8] in 52 G. 3; and equivalent to [5] and [6] in 55 G. 3. c. 184.
[7] Same as [6] in 52 G. 3, and [8] in 55 G. 3. c. 184.
[8] Same as [7] in 52 G. 3, and [6] in 55 G. 3. c. 184.
[9] Since division [9] in 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3. c. 185. The 55 G. 3. c. 184. and 55 G. 3. c. 185. passed the same day; neither is prospective in its operation; this division, therefore, of 55 G. 3. c. 185. is, quoad its subject matter, co-extensive only with division [7] of 55 G. 3. c. 184.
[10] Less extensive than [10] in 52 G. 3, and [8] in 55 G. 3. c. 184.
[11] Equivalent to [11] in 52 G. 3, and [9] in 55 G. 3. c. 184.
[12] Same as [12] in 52 G. 3, and [10] in 55 G. 3. c. 184.
[13] Not in 52 G. 3; same as [11] in 55 G. 3. c. 184.
[14] Same as [12] in 52 G. 3, and [12] in 55 G. 3. c. 184.

It appears from the notes to 55 G. 3. c. 185. s. 6. that its provisions, *quoad* its subject-matter, are co-extensive with those of the 55 G. 3. c. 184. s. 7. One enactment, therefore, may be made to serve for both.

1° *Vending an Impression counterfeited by a Die*—14 (*a*). 27 (*b*). 34 (*c*).

[52 G. 3. c. 143. s. 7.]—If any person shall utter or sell, or expose to sale, any [1] vellum [2], parchment [3], paper [4], card, ivory, gold or silver plate, or other material [5], having thereupon the impression of any forged or counterfeited [6] mark [7], stamp [8], die [9], or plate [10], after any mark, stamp, die or plate, which in pursuance of any act or acts of parliament shall have been provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for expressing or denoting any duty or duties, or any part thereof, which shall be under the care and management of the said commissioners; or for denoting or testifying the payment of any such duty or duties, or any part thereof; or for denoting any device appointed by the said commissioners for the ace of spades to be used with any playing cards [11], knowing the same to be forged or counterfeited [12], with intent to defraud his Majesty, his heirs or successors, of any of the duties, or any part of the duties, under the care and management of the said commissioners [13]; every person so offending [14], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [15]. 52 G. 3. c. 143. s. 7.

[55 G. 3. c. 184. s. 7.]—If any person shall utter or sell, or expose to sale, any [1] vellum [2], parchment [3] or paper [4], having thereupon the impression of any forged or counterfeited [5] stamp [6] or die [7], or any part of any stamp or die, forged or counterfeited [8] after any stamp or die which shall have been provided, made or used in pursuance of this act, or in pursuance of any former act or acts relating to any stamp duty or duties [9], knowing the same to be forged, counterfeited or resembled [10], with intent to defraud his Majesty, his heirs or successors, of any of the duties hereby granted, or any part thereof [11]; then and in every such case every person so offending [12], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [13], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [14]. 55 G. 3. c. 184. s. 7.

The influence of the 55 G. 3. c. 184. s. 7. upon the 52 G. 3. c. 143. s. 7. as shewn by the notes to 55 G. 3. is this—1° Since division [5] in 52 G. 3. has no corresponding division in 55 G. 3. it follows that the 52 G. 3. is *pro tanto* in force, notwithstanding the 55 G. 3.—2° Since division [11] of 52 G. 3. is more extensive than 55 G. 3. it follows that the 52 G. 3. is *pro tanto* in force, notwithstanding the 55 G. 3.—3° In other respects the 52 G. 3. is impliedly repealed by the 55 G. 3.

[55 G. 3. c. 185. s. 6.]—If any person shall utter or sell, or expose to sale, any [1] paper [2] having thereupon the impression of any forged or counterfeited [3] plate, 55 G. 3. c. 185. s. 6.

(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 55 G. 3. c. 184. s. 7.
(*c*) 55 G. 3. c. 185. s. 6.

Notes to 55 *G.* 3. *c.* 184. *s.* 7.

[1] Same as [1] in 52 G. 3.
[2] Same as [2] in 52 G. 3.
[3] Same as [3] in 52 G. 3.
[4] Same as [4] in 52 G. 3.
[5] Same as [6] in 52 G. 3.
[6] Same as [8] in 52 G. 3, and equivalent to [7] and [10] in 52 G. 3.
[7] Same as [9] in 52 G. 3, and equivalent to [7] and [10] in 52 G. 3.
[8] Not in 52 G. 3.
[9] Since division [11] in 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3.
[10] Same as [13] in 52 G. 3.
[11] Equivalent to [13] in 52 G. 3.
[12] Equivalent to [14] in 52 G. 3.
[13] Not in 52 G. 3.
[14] Same as [15] in 52 G. 3.

Notes to 55 *G.* 3. *c.* 185. *s.* 6.

[1] Same as [1] in 52 G. 3, and [1] in 55 G. 3. c. 184.
[2] Same as [4] in 52 G. 3, and [4] in 55 G. 3. c. 184.
[3] Same as [6] in 52 G. 3, and [5] in 55 G. 3. c. 184.

plate[4], stamp[5] or die[6], or part of any plate, stamp or die, forged or counterfeited[7], after any plate, stamp or die, which shall have been provided, made or used, in pursuance of this or any former act for expressing and denoting any of the duties granted by this or any former act on almanacks, newspapers, and licences to keep stage-coaches[8], knowing the same to be forged, counterfeited or resembled[9], with intent to defraud his Majesty, his heirs or successors[10]; then every person so offending[11], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid[12], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy[13].

It has appeared that division [5] of the 52 G. 3. c. 143. s. 7. is in force, notwithstanding the 55 G. 3. c. 184. s. 7. And since division [5] of 52 G. 3. has no corresponding division in 55 G. 3. c. 185. s. 6. it follows that the 52 G. 3. is *pro tanto* in force, notwithstanding the 55 G. 3. c. 185. It has likewise appeared, that division [11] in 52 G. 3. is in force, notwithstanding the 55 G. 3. c. 184. And since division [11] in 52 G. 3. is more extensive than 55 G. 3. c. 185. it follows that the 52 G. 3. is *pro tanto* in force, notwithstanding the 55 G. 3. c. 185.

It appears from the notes to 55 G. 3. c. 185. s. 6. that its provisions, *quoad* its subject-matter, are co-extensive with those of the 55 G. 3. c. 184. s. 7; one enactment, therefore, may be made to serve for both.

2° *Vending an Impression counterfeited by other Means*—15 (*a*). 28 (*b*). 35 (*c*).

52 G. 3. c. 143. s. 7.

[52 G. 3. c. 143. s. 7.]—If any person shall utter or sell, or expose to sale, any [1] vellum[2], parchment[3], paper[4], card, ivory, gold or silver plate, or other material[5] having thereupon any forged or counterfeited[6] impression[7] of any mark[8], stamp[9], die[10] or plate[11], which in pursuance of any act or acts of parliament shall have been provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf for expressing or denoting any duty or duties, or any part thereof, which shall be under the care and management of the said commissioners; or for denoting or testifying the payment of any such duty or duties, or any part thereof; or for denoting any device appointed by the said commissioners for the ace of spades to be used with any playing cards[12], knowing the same to be forged or counterfeited[13], with intent to defraud his Majesty, his heirs or successors, of any of the duties, or any part of the duties under the care and management of the said commissioners[14]; every person so offending[15], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy[16].

55 G. 3. c. 184. s. 7.

[55 G. 3. c. 184. s. 7.]—If any person shall utter or sell, or expose to sale, any [1] vellum[2], parchment[3] or paper[4], having thereupon any forged, counterfeited [5]

or

[4] Same as [10] in 52 G. 3; equivalent to [6] and [7] in 55 G. 3. c. 184.

[5] Same as [8] in 52 G. 3, and [6] in 55 G. 3. c. 184.

[6] Same as [9] in 52 G. 3, and [7] in 55 G. 3. c. 184.

[7] Not in 52 G. 3; same as [8] in 55 G. 3. c. 184.

[8] Since division [11] in 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3. c. 185. The 55 G. 3. c. 184. and 55 G. 3. c. 185. passed the same day; neither is prospecive in its operation; this division, therefore, of 55 G. 3. c. 185. is, quoad its subject matter, co-extensive only with division of 55 G. 3. c. 184.

[9] Equivalent to [12] in 52 G. 3; same as [10] in 55 G. 3. c. 184.

[10] Equivalent to [13] in 52 G. 3, and [11] in 55 G. 3. c. 184.

[11] Same as [14] in 52 G. 3, and [12] in 55 G. 3. c. 184.

[12] Not in 52 G. 3; same as [13] in 55 G. 3. c. 184.

[13] Same as [15] in 52 G. 3, and [14] in 55 G. 3. c. 184.

(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 55 G. 3. c. 184, s. 7.
(*c*) 55 G. 3. c. 185. s. 6.

Notes to 55 *G.* 3. *c.* 184. *s.* 7.

[1] Same as [1] in 52 G. 3.
[2] Same as [3] in 52 G. 3.
[3] Same as [3] in 52 G. 3.
[4] Same as [4] in 52 G. 3.
[5] Same as [6] in 52 G. 3.

or resembled[6] impression[7] of any stamp[8] or die[9], or any part of any stamp or die[10], which shall have been provided, made or used in pursuance of this act, or in pursuance of any former act or acts relating to any stamp duty or duties[11], knowing the same to be forged, counterfeited or resembled[12], with intent to defraud his Majesty, his heirs or successors, of any of the duties hereby granted, or any part thereof[13]; then and in every such case every person so offending[14], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid[15], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy[16].

The influence of the 55 G. 3. c. 184. s. 7. upon the 52 G. 3. c. 143. s. 7. as shewn by the notes to the 55 G. 3. is this—1° Since division[5] in 52 G. 3. has no corresponding division in 55 G. 3. the 52 G. 3. is in force *pro tanto*, notwithstanding the 55 G. 3.—2° Since division[12] in 52 Geo. 3. is more extensive than 55 G. 3. the 52 G. 3. is in force for the excess, notwithstanding the 55 G. 3.—3° In other respects the 52 G. 3. is superseded by the 55 G. 3.

55 G. 3. c. 185. s. 6.

[55 G. 3. c. 185. s. 6.]—If any person shall utter or sell, or expose to sale, any[1] paper[2], having thereupon any forged, counterfeited[3] or resembled[4] impression[5], of any plate[6], stamp[7] or die[8], or any part of any plate, stamp or die[9], which shall have been provided, made or used in pursuance of this or any former act, for expressing and denoting any of the duties granted by this or any former act on almanacks, newspapers and licences to keep stage-coaches[10], knowing the same to be forged, counterfeited or resembled[11], with intent to defraud his Majesty, his heirs or successors[12]; then every person so offending[13], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid[14], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy[15].

It has appeared that divisions[5] and[12] of 52 G. 3. c. 143. s. 7. are in force, notwithstanding the 55 G. 3. 184. s. 7. And since division[5] in 52 G. 3. has no corresponding division in 55 G. 3. c. 185. s. 6; and since division[12] in 52 G. 3. is more extensive than the 55 G. 3. c. 185. it follows that the 52 G. 3. is in force *pro tanto*, notwithstanding the 55 G. 3. c. 185.

It appears from the notes to 55 G. 3. c. 185. s. 6. that its provisions, *quoad* its subject-matter, are co-extensive with those of the 55 G. 3. c. 184. s. 7; one enactment, therefore, may be made to serve for both.

1° *Counterfeiting*

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[6] Not in 52 G. 3.
[7] Same as [7] in 52 G. 3.
[8] Same as [9] in 52 G. 3; and equivalent to [8] and [11] of 52 G. 3.
[9] Same as [10] in 52 G. 3; and equivalent to [8] and [11] of 52 G. 3.
[10] Not in 52 G. 3.
[11] Since division [12] in 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3.
[13] Equivalent to [13] in 52 G. 3.
[13] Equivalent to [14] in 52 G. 3.
[14] Equivalent to [15] in 52 G. 3.
[15] Not in 52 G. 3.
[16] Same as [16] in 52 G. 3.

Notes to 55 G. 3. *c.* 185. *s.* 6.

[1] Same as [1] in 52 G. 3. and [1] in 55 G. 3. c. 184.
[2] Same as [4] in 52 G. 3. and [4] in 55 G. 3. c. 184.
[3] Same as [6] in 52 G. 3. and [5] in 55 G. 3. c. 184.
[4] Not in 52 G. 3; same as [6] in 55 G. 3. c. 184.
[5] Same as [7] in 52 G. 3. and [7] in 55 G. 3. c. 184.
[6] Same as [11] in 52 G. 3; equivalent to [8] and [9] in 55 G. 3. c. 184.
[7] Same as [9] in 52 G. 3. and [8] in 55 G. 3. c. 184.
[8] Same as [10] in 52 G. 3. and [9] in 55 G. 3. c. 184.
[9] Not in 52 G. 3; equivalent to [10] in 55 G. 3. c. 184.
[10] Since division [12] in 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3. c. 185. The 55 G. 3. c. 184, and 55 G. 3. c. 185, passed the same day; neither is prospective in its operation; this division, therefore, of 55 G. 3. c. 185. is, quoad its subject-matter, co-extensive only with division [11] of 55 G. 3. c. 184.
[11] Equivalent to [13] in 52 G. 3; same as [12] in 55 G. 3. c. 184.
[12] Equivalent to [14] in 52 G. 3, and [13] in 55 G. 3. c. 184.
[13] Same as [15] in 52 G. 3, and [14] in 55 G. 3. c. 184.
[14] Not in 52 G. 3; same as [15] in 55 G. 3. c. 184.
[15] Same as [16] in 52 G. 3, and [15] in 55 G. 3. c. 184.

1° *Counterfeiting by a Die*—12 (*a*). 21 (*b*). 39 (*c*).

52 G. 3. c. 143. s. 7. [52 G. 3. c. 143. s. 7.]—If any person shall stamp or mark, or cause or procure to be stamped or marked, any [1] gold or silver plate [2], or other material [3], with any forged or counterfeited [4] mark [5], stamp [6], die [7] or plate [8], after any mark, stamp, die or plate which in pursuance of any act or acts of parliament shall have been provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty, on gold or silver plate [9], with intent to defraud his Majesty, his heirs or successors, of any or any part of the said duties [10]; every person so offending [11], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [12].

52 G. 3. c. 143. s. 8. [52 G. 3. c. 143. s. 8.]—If any person shall stamp or mark, or cause or procure to be stamped or marked, any [1] vessel or ware of base metal [2], with any mark [3], stamp [4] or die [5] which shall have been forged or counterfeited in imitation of [6] or to resemble [7] any mark, stamp or die provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty on gold or silver plate [8]; every person so offending [9], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [10].

The influence of 52 G. 3. c. 143. s. 8. upon s. 7. of that act, as shewn by the notes to s. 8. is this—1° Since division [2] in s. 7. has no corresponding division in s. 8. s. 7. must be retained *pro tanto*.—2° Since division [3] in s. 7. is more extensive than s. 8. s. 7. must be retained for the excess.—3° In other respects, one enactment may be made to serve for both.

55 G. 3. c. 185. s. 7. [55 G. 3. c. 185. s. 7.]—If any person shall mark or stamp, or cause or procure to be marked or stamped, any [1] gold or silver plate made or wrought in Great Britain [2], or any vessel or ware of base metal [3], with any forged or counterfeited [4] mark [5], stamp [6], or die [7], after any mark, stamp or die which shall have been provided, made or used in pursuance of this or any former act, relating to any duties on gold or silver plate made or wrought in Great Britain, for the purpose of marking or stamping any such gold or silver plate, in the manner directed by any such act [8]; then every person so offending [9], and every person

(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 52 G. 3. c. 143. s. 8.
(*c*) 55 G. 3. c. 185. s. 7.

Notes to 52 G. 3. c. 143. s. 8.

[1] Same as [1] in 52 G. 3. c. 143. s. 7.
[2] Less extensive than [3] in s. 7.
[3] Same as [5] in s. 7, and equivalent to [8] in s. 7.
[4] Same as [6] in s. 7, and equivalent to [8] in s. 7.
[5] Same as [7] in s. 7, and equivalent to [8] in s. 7.
[6] Equivalent to [4] in s. 7.
[7] Not in s. 7.
[8] Equivalent to [9] in s. 7.
[9] Same as [11] in s. 7.
[10] Same as [12] in s. 7.

Notes to 55 G. 3. c. 185. s. 7.

[1] Same as [1] in 52 G. 3. c. 143. s. 7. and [1] in 52 G. 3. c. 143. s. 8.
[2] Equivalent to [2] in 52 G. 3. c. 143. s. 7; not in 52 G. 3. c. 143. s. 8.
[3] Less extensive than [3] in 52 G. 3. c. 143. s. 7; same as [2] in 52 G. 3. c. 143. s. 8.
[4] Same as [4] in 52 G. 3. c. 143. s. 7; and equivalent to [6] in 52 G. 3. c. 143. s. 8.
[5] Same as [5] and equivalent to [8] in 52 G. 3. c. 143. s. 7; and same as [3] in 52 G. 3. c. 143. s. 8.
[6] Same as [6] and equivalent to [8] in 52 G. 3. c. 143. s. 7; and same as [4] in 52 G. 3. c. 143. s. 8.
[7] Same as [7] and equivalent to [8] in 52 G. 3. c. 143. s. 7; and same as [5] in 52 G. 3. c. 143. s. 8.
[8] Since division [9] of 52 G. 3. c. 143. s. 7. has, it seems, a prospective operation, the 52 G. 3. c. 143. s. 7. is in this respect more extensive than the 55 G. 3; and the same holds as to division [8] of s. 8. of 52 G. 3.
[9] Same as [11] in 52 G. 3. c. 143. s. 7. and [9] in 52 G. 3. c. 143. s. 8.

person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [10], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [11].

It has appeared that divisions [2] and [3] of 52 G. 3. c. 143. s. 7. are in force, notwithstanding s. 8. of that act. The influence of the 55 G. 3. c. 185. s. 7. upon those divisions, as shewn by the notes to 55 G. 3. is this—1° Since division [2] of 52 G. 3. has a corresponding division in 55 G. 3. division [2] of 52 G. 3. is superseded by 55 G. 3.—2° Since division [3] of 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is in force for the excess, notwithstanding the 55 G. 3.

The influence of 55 G. 3. c. 185. s. 7. upon 52 G. 3. c. 143. s. 8. as shewn by the notes to 55 G. 3. is this—1° Since division [7] in 52 G. 3. has no corresponding division in 55 G. 3. the 52 G. 3. is in force *pro tanto*, notwithstanding the 55 G. 3.—2° Since division [8] of 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is in force for the excess, notwithstanding the 55 G. 3.—3° In other respects the 52 G. 3. is superseded by the 55 G. 3.

2° *Counterfeiting by other Means*—11 (*a*). 38 (*b*).

[52 G. 3. c. 143. s. 7.]—If any person shall forge or counterfeit [1], or cause or procure to be forged or counterfeited [2], the impression [3], or any resemblance of the impression [4] of any mark [5], stamp [6], die [7] or plate [8], which in pursuance of any act or acts of parliament shall have been provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty on gold or silver plate [9], on gold or silver plate [10] or other material [11], with intent to defraud his Majesty, his heirs or successors, of any or any part of the said duties [12]; every person so offending [13], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [14]. 52 G. 3. c. 143. s. 7.

[55 G. 3. c. 185. s. 7.]—If any person shall forge, counterfeit [1] or resemble [2], or cause or procure to be forged, counterfeited or resembled [3], the impression [4] of any mark [5], stamp [6] or die [7] which shall have been provided, made or used in pursuance of this or any former act relating to any duties on gold or silver plate made or wrought in Great Britain, for the purpose of marking or stamping any such gold or silver plate, in the manner directed by any such act [8], upon any such gold or silver plate [9], with intent to defraud his Majesty, his heirs or successors [10]; then every person so offending [11], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [12], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [13]. 55 G. 3. c. 185. s. 7.

The influence of 55 G. 3. c. 185. s. 7. upon 52 G. 3. c. 143. s. 7. as shewn by the notes to the 55 G. 3. is this—1° Since divisions [4] and [11] in 52 G. 3. have no corresponding divisions in 55 G. 3, the 52 G. 3. is in force *pro tanto*, notwithstanding the 55 G. 3.—2° Since division [9] in 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is in force for the excess, notwithstanding the 55 G. 3.—3° In other respects the 52 G. 3. is superseded by the 55 G. 3.

1° *Vending*

[10] Not in 52 G. 3. c. 143. s. 7; nor in 52 G. 3. c. 143. s. 8.
[11] Same as [12] in 52 G. 3. c. 143. s. 7. and [10] in 52 G. 3. c. 143. s. 8.
(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 55 G. 3. c. 185. s. 7.

Notes to 55 G. 3. c. 185. s. 7.

[1] Same as [1] in 52 G. 3.
[2] Not in 52 G. 3.
[3] Same as [2] in 52 G. 3.
[4] Same as [3] in 52 G. 3.
[5] Same as [5] in 52 G. 3. and equivalent to [8] in 52 G. 3.
[6] Same as [6] in 52 G. 3, and equivalent to [8] in 52 G. 3.
[7] Same as [7] in 52 G. 3, and equivalent to [8] in 52 G. 3.
[8] Since division [9] of 52 G. 3. is comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3.
[9] Same as [10] in 52 G. 3.
[10] Equivalent to [1] in 52 G. 3.
[11] Same as [13] in 52 G. 3.
[12] Not in 52 G. 3.
[13] Same as [14] in 52 G. 3.

1° *Vending an Impression counterfeited by a Die*—16 (*a*). 22 (*b*). 41 (*c*).

52 G. 3. c. 143. s. 7. [52 G. 3. c. 143. s. 7.]—If any person shall utter [1] or sell [2], or expose to sale [3], any gold or silver plate [4], or other material [5], having thereupon the impression of any forged or counterfeited mark, stamp, die [6] or plate [7], after any mark, stamp, die or plate which in pursuance of any act or acts of parliament shall have been provided, made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty on gold or silver plate [8], knowing the same to be forged or counterfeited [9], with intent to defraud his Majesty, his heirs or successors, of any or any part of the said duties [10]; every person so offending [11], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [12].

52 G. 3. c. 143. s. 8. [52 G. 3. c. 143. s. 8.]—If any person shall sell [1], exchange [2] or expose to sale [3], or export out of Great Britain [4] any wrought plate of gold or silver [5], or any vessel or ware of base metal [6], having thereupon the impression of any forged or counterfeited mark, stamp or die [7], after any mark, stamp or die provided made or used by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf, for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty on gold or silver plate [8], knowing the same to be forged or counterfeited as aforesaid [9]; every person so offending [10], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [11].

The influence of 52 G. 3. c. 143. s. 8. upon s. 7. of that act, as shewn by the notes to s. 8. is this—1° Since divisions [1] and [5] in s. 7. are more extensive than s. 8. s. 7. must be retained *pro tanto*.—2° In other respects, one enactment may be made to serve for both.

55 G. 3. c. 185. s. 7. [55 G. 3. c. 185. s. 7.]—If any person shall sell [1], exchange [2] or expose to sale [3], or export out of Great Britain [4], any gold or silver plate made or wrought in Great Britain [5], or any vessel or ware of base metal [6], having thereupon the impression of any forged or counterfeited mark, stamp or die [7], after any mark, stamp or die which shall have been provided, made or used in pursuance of this or any former act, relating to any duties on gold or silver plate made or wrought in Great Britain, for the purpose of marking or stamping any such gold or silver plate in the manner directed by any such act [8], knowing the

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(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 52 G. 3. c. 143. s. 8.
(*c*) 55 G. 3. c. 185. s. 7.

Notes to 52 *G.* 3. *c.* 143. *s.* 8.

[1] Same as [2] in 52 G. 3. c. 143. s. 7.
[2] Less extensive than [1] in s. 7.
[3] Same as [3] in s. 7.
[4] Not in s. 7.
[5] Equivalent to [4] in s. 7.
[6] Less extensive than [5] in s. 7.
[7] Same as [6] and equivalent to [7] in s. 7.
[8] Equivalent to [8] in s. 7.
[9] Same as [9] in s. 7.
[10] Same as [11] in s. 7.
[11] Same as [12] in s. 7.

Notes to 55 *G. c.* 185. *s.* 7.

[1] Same as [2] in 52 G. 3. c. 143. s. 7, and [1] in s. 8.
[2] Less extensive than [1] in 52 G. 3. c. 143. s. 7; same as [2] in s. 8.
[3] Same as [3] in 52 G. 3. c. 143. s. 7, and [3] in s. 8.
[4] Not in 52 G. 3. c. 143. s. 7; same as [4] in s. 8.
[5] Equivalent to [4] in 52 G. 3. c. 143. s. 7. and [5] in s. 8.
[6] Less extensive than [5] in 52 G. 3. c. 143. s. 7; same as [6] in s. 8.
[7] Same as [6], and equivalent to [7], in 52 G. 3. c. 143. s. 7; same as [7] in s. 8.
[8] Since division [8] in 52 G. 3. c. 143. s. 7. is, comme semble, prospective in its operation, the 52 G. 3. c. 143. s. 7. is, in this respect, more extensive than 55 G. 3. The same holds of division [8] in the 52 G. 3. c. 143. s. 8.

the same to be forged or counterfeited [9]; then every person so offending [10], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [11], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [12].

It has appeared that divisions [1] and [5] of 52 G. 3. c. 143. s. 7. must be retained, notwithstanding s. 8. of that statute. And since divisions [1] and [5] in 52 G. 3. as shewn by the notes to 55 G. 3. c. 185. s. 7. are more extensive than 55 G. 3. the 52 G. 3. is in force *pro tanto*, notwithstanding the 55 G. 3.

The influence of 55 G. 3. c. 185. s. 7. upon 52 G. 3. c. 143. s. 8. as shewn by the notes to 55 G. 3. is this—1° Since division [8] in 52 G. 3. is more extensive than 55 G. 3. the 52 G. 3. is in force *pro tanto*, notwithstanding the 55 G. 3.—2° In other respects the 52 G. 3. is superseded by the 55 G. 3.

2° *Vending an Impression counterfeited by other Means*—17 (*a*). 42 (*b*).

[52 G. 3. c. 143. s. 7.]—If any person shall utter [1] or sell [2], or expose to sale [3], any gold or silver plate [4], or other material [5], having thereupon any forged or counterfeited [6] impression of any mark, stamp, die [7] or plate [8], which in pursuance of any act or acts of parliament shall have been provided, made or used, by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment and paper, or by or under the direction of any other person or persons legally authorized in that behalf for denoting any duty or duties, or the payment of any duty or duties granted to his Majesty, on gold or silver plate [9], knowing the same to be forged or counterfeited [10], with intent to defraud his Majesty, his heirs or successors, of any or any part of the said duties [11]; every person so offending [12], and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [13]. 52 G. 3. c. 143. s. 7.

[55 G. 3. c. 185. s. 7.]—If any person shall sell [1], exchange [2], or expose to sale [3], or export out of Great Britain [4], any gold or silver plate, made or wrought in Great Britain [5], or any vessel or ware of base metal [6], having thereupon any forged, counterfeited [7] or resembled [8] impression of any mark, stamp or die [9], which shall have been provided, made or used in pursuance of this or any former act relating to any duties on gold or silver plate made or wrought in Great Britain, for the purpose of marking or stamping any such gold or silver in the manner directed by any such act [10], knowing the same to be forged or counterfeited [11]; then every person so offending [12], and every person knowingly and wilfully aiding, abetting or assisting any person or persons in committing any such offence as aforesaid [13], and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as a felon without benefit of clergy [14]. 55 G. 3. c. 185. s. 7.

The influence of the 55 G. 3. c. 185. s. 7. upon the 52 G. 3. c. 143. s. 7. as shewn by the notes to the 55 G. 3. is this—1° Since divisions [1], [5], and [9] of 52 G. 3. are more extensive than 55 G. 3. the 52 G. 3. is in force for the excess, notwithstanding the 55 G. 3.—2° In other respects the 52 G. 3. is superseded by the 55 G. 3.

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[9] Same as [9] in 52 G. 3. c. 143. s. 7. and [9] in s. 8.
[10] Same as [11] in 52 G. 3. c. 143. s. 7. and [10] in s. 8.
[11] Not in 52 G. 3. c. 143. s. 7; nor in s. 8.
[12] Same as [12] in 52 G. 3. c. 143. s. 7. and [11] in s. 8.
(*a*) 52 G. 3. c. 143. s. 7.
(*b*) 55 G. 3. c. 185. s. 7.

Notes to 55 G. 3. c. 185. s. 7.

[1] Same as [3] in 52 G. 3.
[2] Less extensive than [1] in 52 G. 3.
[3] Same as [4] in 52 G. 3.
[4] Not in 52 G. 3.
[5] Equivalent to [4] in 52 G. 3.
[6] Less extensive than [5] in 52 G. 3.
[7] Same as [6] in 52 G. 3.
[8] Not in 52 G. 3.
[9] Same as [7], and equivalent to [8], in 52 G. 3.
[10] Since division [9] in 52 G. 3. is, comme semble, prospective in its operation, the 52 G. 3. is, in this respect, more extensive than the 55 G. 3.
[11] Same as [10] in 52 G. 3.
[12] Same as [13] in 52 G. 3.
[13] Not in 52 G. 3.
[14] Same as [13] in 52 G. 3.

(12.)—The consolidating process of the EXCISE AND CUSTOMS ENACTMENTS RELATING TO FORGERY.

SECTION I.

Enumeration.

THE Excise and Customs Enactments relating to Forgery are contained in the—13 & 14 Car. 2. c. 11. s. 8; 22 G. 3. c. 68. s. 26; 23 G. 3. c. 70. s. 9; 23 G. 3. c. 70. s. 10; 38 G. 3. c. 54. s. 9; 41 G. 3. (U. K.) c. 91. s. 5; 46 G. 3. c. 75. s. 8; 46 G. 3. c. 150. s. 10; 52 G. 3. c. 143. s. 9; 52 G. 3. c. 143. s. 10.

SECTION II.

Analysis of the Enumerated Enactments, to ascertain what Enactments have an Affinity, and are Related to each other.

13 & 14 Car. 2. c. 11. s. 8. 1. Penalty (and the instrument shall be void) for counterfeiting any cocquet, certificate or return, transire, let pass, or any other custom-house warrant. 13 & 14 Car. 2. c. 11. s. 8.

13 & 14 Car. 2. c. 11. s. 31. 2. Application of the penalty. 13 & 14 Car. 2. c. 11. s. 31.

13 & 14 Car. 2. c. 11. s. 31. 3. Recovery of the penalty. 13 & 14 Car. 2. c. 11. s. 31.

22 G. 3. c. 68. s. 26. 4. Penalty (and the instrument shall be void) for forging excise permits or certificates for the removal of exciseable commodities; and for uttering any such. 22 G. 3. c. 68. s. 26.

22 G. 3. c. 68. s. 26, 27. 5. Recovery of the penalty. 22 G. 3. c. 68. s. 26, 27.

22 G. 3. c. 68. s. 26. 6. Application of the penalty. 22 G. 3. c. 68. s. 26.

22 G. 3. c. 68. s. 27. 7. Mitigation of the penalty. 22 G. 3. c. 68. s. 27.

23 G. 3. c. 70. s. 9. 8. Death, sans clergy, for making frames for making excise paper; and for being in possession of any such; and for making excise paper; and for making plates to forge excise permit stamps. 23 G. 3. c. 70. s. 9.

23 G. 3. c. 70. s. 10. 9. Penalty for forging permits for the removal of exciseable commodities; and for uttering any such. 23 G. 3. c. 70. s. 10.

23 G. 3. c. 70. s. 10. 37. 10. Recovery of the penalty. 23 G. 3. c. 70. s. 10. 37.

23 G. 3. c. 70. s. 37. 11. Application of the penalty. 23 G. 3. c. 70. s. 37.

23 G. 3. c. 70. s. 37. 12. Mitigation of the penalty. 23 G. 3. c. 70. s. 37.

38 G. 3. c. 54. s. 9. 13. Death, sans clergy, for forging any debenture in any case in which a debenture is by any act of parliament relating to excise duties required; and for uttering any such. 38 G. 3. c. 54. s. 9.

41 G. 3. (U. K.) c. 91. s. 5. 14. Felony, with seven years transportation, for forging any certificate relating to excise duties; and for uttering any such. 41 G. 3. (U. K.) c. 91. s. 5.

46 G. 3. c. 75. s. 8. 15. Death, sans clergy, for forging the signature of the receiver-general of the excise, or the comptroller of the cash of the excise, or person authorized as mentioned; and for forging his draft; and for uttering any such. 46 G. 3. c. 75. s. 8.

46 G. 3. c. 150. s. 10. 16. Death, sans clergy, for forging the signature of the receiver-general of the customs, or of his supervisor, or person authorized as mentioned; and for forging his draft; and for uttering any such. 46 G. 3. c. 150. s. 10.

17. Death

17. Death, sans clergy, for making frames for making excise paper; and for being in possession of any such; and for making excise paper; and for making plates to forge excise permit stamps. 52 G. 3. c. 143. s. 9. 52 G. 3. c. 143 s. 9.

18. Death, sans clergy, for forging any debenture or any certificate for the payment or return of money, in any case where such debenture or certificate is by any act of parliament relating to customs duties required; and for uttering any such. 52 G. 3. c. 143. s. 10. 52 G. 3. c. 143. s. 10.

SECTION III.

Arrangement of the Enumerated Enactments, to bring Enactments which have an Affinity, and are Related to each other, into Juxta Position.

The enactments having been analysed, and thereby a view afforded of those which bear an affinity or relation to each other, the next step is to bring such related enactments into juxta position.

It appears from the analysis, that the provisions under consideration relate, some to the excise, some to the customs duties. Those which relate to the excise are marked—4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15. 17. Those which relate to the customs are marked—1, 2, 3, 16. 18.

And first, with reference to the *Excise Enactments.*

It appears from the analysis, that the excise provisions under consideration relate to—1° *The Denunciation of Offences*; 2° *The Application of Penalties*; 3° *The Mitigation of Penalties*; 4° *Procedure.* Hence, four principal divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus arranged:

I. *The Denunciation of Offences*—4. 8. 9. 13, 14, 15. 17.

II. *The Application of Penalties*—6. 11.

III. *The Mitigation of Penalties*—7. 12.

IV. *Procedure*—5. 10.

I. *As to the Denunciation of Offences:*—It appears from the analysis, that the provisions relating to the denunciation of offences relate to—1° *Permits and Certificates*; 2° *Debentures*; 3° *The Receiver General of the Excise*; 4° *Tools for Manufacturing Excise Paper, and the Manufacture of Excise Paper itself.* Hence, two subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Permits and Certificates*—4. 9. 14.

2° *Debentures*—13.

3° *The Receiver General of the Excise*—15.

4° *Tools for Manufacturing Excise Paper, and the Manufacture of Excise Paper itself*—8. 17.

Secondly, with reference to the *Customs Enactments.*

It appears from the analysis, that the customs provisions under consideration relate to—1° *The Denunciation of Offences*; 2° *The Application of Penalties*; 3° *Procedure.* Hence, three principal divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus arranged:

I. *The Denunciation of Offences*—1. 16. 18.

II. *The Application of Penalties*—2.

III. *Procedure*—3.

I. *As*

I. *As to the Denunciation of Offences*:—It appears from the analysis, that provisions relating to the denunciation of offences relate to—1° *Warrants and Certificates*; 2° *Debentures*; 3° *The Receiver-General of the Customs.* Hence, three subordinate divisions of arrangement. And in this order, taking the number prefixed to each placitum in the analysis as the representative of the provision noticed in that placitum, they are thus subdivided:

1° *Warrants and Certificates*—1. 18.

2° *Debentures*—18.

3° *The Receiver-General of the Customs*—16.

First, with reference to the Excise Enactment.

1° *Permits and Certificates*—4 (*a*). 9 (*b*). 14 (*c*).

22 G. 3. c. 68. s. 26.

[22 G. 3. c. 68. s. 26.]—If any person or persons whatsoever shall counterfeit or forge, or cause to be counterfeited or forged, any [1] permit [2] or certificate [3] for the removal of any exciseable commodity from one part of this kingdom to any other part thereof, for the removal of which a permit or certificate is by any act or acts of parliament now in force required [4]; or if any person or persons shall knowingly or willingly accept or receive any false or untrue [5] permit [6] or certificate [7] to accompany any such exciseable commodity to be removed as aforesaid [8]; or if any person or persons shall fraudulently alter or erase any [9] permit [10] or certificate [11] after the same shall have been given or granted by the proper officer of excise [12]; or if any person or persons shall knowingly wilfully publish or make use of any such [13] permit [14] or certificate [15] so counterfeited, forged, false, untrue, altered or erased [16], every person so offending shall for each and every such offence forfeit and lose the sum of two hundred pounds [17].

23 G. 3. c. 70. s. 10.

[23 G. 3. c. 70. s. 10.]—If any person or persons whatsoever shall counterfeit or forge, or cause to be counterfeited or forged, any [1] permit [2] for the removal of any exciseable commodity from one part of this kingdom to any other part thereof, for the removal of which a permit or certificate is by any act or acts of parliament now in force required [3]; or if any person or persons shall knowingly or willingly give any false or untrue permit [4], or shall knowingly or willingly accept or receive any false or untrue [5] permit [6] with any such exciseable commodity to be removed, or removed as aforesaid [7]; or if any person or persons shall fraudulently alter or erase any [8] permit [9] after the same shall have been given or granted by the proper officer of excise [10]; or if any person or persons shall knowingly or willingly publish or make use of any such [11] permit [12] so counterfeited, forged, false, untrue, altered or erased [13], every person so offending shall, in lieu of any former penalty, for each and every such offence forfeit and lose the sum of five hundred pounds [14].

Since the 23 G. c. 70. s. 10. is in every respect co-extensive with, and in some more extensive than, the 22 G. 3. c. 68. s. 26; and since the penalty is increased by the former statute, it follows, that the 22 G. 3. is superseded by the 23 G. 3.

[41 G. 3.

(*a*) 22 G. 3. c. 68. s. 26.
(*b*) 23 G. 3. c. 70. s. 10.
(*c*) 41 G. 3. (U. K.) c. 91. s. 5.

Notes to 23 G. 3. c. 70. s. 10

[1] Same as [1] in 22 G. 3.

[2] Same as [2] in 22 G. 3. and taking 'certificate' and 'permit,' as used in the 22 G. 3. to be convertible terms, (and the 23 G. 3. division [3], employs them as such,) then this division is equivalent to [2] in 22 G. 3.

[3] Same as [4] in 22 G. 3.

[4] Not in 22 G. 3.

[5] Same as [5] in 22 G. 3.

[6] Same as [6] in 22 G. 3; and equivalent to [7]; vide supra, note [2].

[7] Equivalent to [8] in 22 G. 3.

[8] Same as [9] in 22 G. 3.

[9] Same as [10] in 22 G. 3; and equivalent to [11]; vide supra, note [2].

[10] Same as [12] in 22 G. 3.

[11] Same as [13] in 22 G. 3.

[12] Same as [14] in 22 G. 3; and equivalent to [15]; vide supra, note [2].

[13] Same as [16] in 22 G. 3.

[14] Merging the 22 G. 3.

[41 G. 3. (U. K.) c. 91. s. 5.]—If any person or persons whatever shall counterfeit or forge, or cause or procure to be counterfeited or forged, any [1] certificate [2] authorized or required to be granted by any officer or officers of excise under or by virtue of any act or acts of parliament in force immediately before the passing of this act, and relating to any of the duties of excise [3]; or if any person or persons shall knowingly or willingly give any false or untrue [4] certificate as aforesaid [5], or shall knowingly or willingly accept or receive any false or untrue [6] certificate as aforesaid [7]; or if any person or persons shall fraudulently alter or erase any [8] such true certificate [9] after the same shall have been given or granted by the proper officer or officers of excise [10]; or if any person or persons shall knowingly or willingly publish or make use of any such [11] certificate [12] so counterfeited, forged, false, untrue, altered or erased [13]; then and in every such case the person or persons so offending and being thereof duly convicted, shall be adjudged guilty of felony, and shall for such his her or their offence, be transported as a felon or felons for the space of seven years [14]. 41 G. 3. (U. K.) c. 91. s. 5.

Since the 41 G. 3. (U. K.) c. 91. s. 5. is, in every respect, co-extensive with and in some more extensive than the 23 G. 3. c. 70. s. 10; and since, under the former statute, the offence is made felony, it follows that the 23 G. 3. is superseded by the 41 G. 3.

2° *Debentures*—13 (*a*).

Since there is a single provision only under this division of the subject, it is unnecessary to give any details.

3° *The Receiver-General of the Excise*—15 (*b*).

Since there is a single provision only under this division of the subject, it is unnecessary to give any details.

4° *Tools for manufacturing Excise Paper, and the manufacture of Excise Paper itself*—8 (*c*). 17 (*d*).

[23 G. 3. c. 70. s. 9.]—If any person or persons whatsoever, not being authorized by the respective commissioners of excise in England and Scotland so to do [1], shall make or cause or procure to be made, or shall knowingly aid or assist in the making [2], or without being authorized or appointed as aforesaid [3], shall knowingly have in his her or their custody or possession, without lawful excuse, the proof whereof shall lie on the person accused, any frame, mould or instrument for the making of paper, with the words "excise office" visible in the substance of such paper; or shall make or cause, or procure to be made, or knowingly aid or assist in the making any paper, in the substance of which the words "excise office" shall be visible; or if any person, except as before excepted, shall by any art, mystery or contrivance, cause or procure the said words, "excise office," to appear visible in the substance of any paper whatever [4]; or if any person or persons whatever, not being appointed as aforesaid [5], shall engrave, cast, cut or make, or shall cause or procure to be engraven, cast, cut or made, any [6] plate or plates, or other thing, with any mark, stamp or device thereon [7], in imitation of or to resemble any mark, stamp or device, made [8] and [9] used by the direction of the said commissioners of excise, or the major part of them, 23 G. 3. c. 70. s. 9.

Notes to 41 *G.* 3. (U. K.) *c.* 91. *s.* 5.

[1] Equivalent to [1] in 23 G. 3.
[2] Taking the term 'certificate' to include 'permit,' then this division is equivalent to [2] in 23 G. 3.
[3] More extensive than [3] in 23 G. 3.
[4] & [5] Equivalent to [4] in 23 G. 3. Vide supra, note [2].
[6] Same as [5] in 23 G. 3.
[7] More extensive than [6] & [7] in 23 G. 3. Vide supra, note [2].
[8] Same as [8] in 23 G. 3.
[9] More extensive than [9] in 23 G. 3.
[10] Equivalent to [10] in 23 G. 3.
[11] Same as [11] in 23 G. 3.
[12] More extensive than [12] in 23 G. 3. Vide supra, note [2].
[13] Same as [13] in 23 G. 3.
[14] Merging 23 G. 3.
(*a*) 38 G. 3. c. 54. s. 9.
(*b*) 46 G. 3. c. 75. s. 8.
(*c*) 23 G. 3. c. 70. s. 9.
(*d*) 52 G. 3. c. 143. s. 9.

them respectively, in manner as aforesaid [10], for the purpose of printing, stamping [11], and [12] marking of the paper to be used for a permit or permits, to accompany any exciseable commodity or commodities removing or removed from one part of this kingdom to any other part thereof, in pursuance of the directions of the several statutes requiring such permit [13]; every person so offending in any of the cases aforesaid, and being thereof lawfully convicted, shall for such offence be deemed and adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy [14].

52 G. 3. c. 143. s. 9.

[52 G. 3. c. 143. s. 9.]—If any person, not being lawfully appointed or authorized so to do [1], shall make or cause, or procure to be made, or shall knowingly aid or assist in the making [2], or without being so appointed or authorized as aforesaid [3], shall knowingly have in his her or their custody or possession, without lawful excuse, the proof whereof shall lie on the person accused, any frame, mould or instrument for the making of paper, with the words "excise office" visible in the substance of such paper; or shall make or cause, or procure to be made, or knowingly aid or assist in the making any paper, in the substance of which the words "excise office" shall be visible; or if any person, except as before excepted, shall by any art, mystery or contrivance, cause or procure the said words, "excise office," to appear visible in the substance of any paper whatever [4]; or if any person not being so appointed or authorized as aforesaid [5], shall engrave, cast, cut or make, or shall cause or procure to be engraven, cast, cut or made, any [6] mark, stamp or device [7], in imitation of or to resemble any mark, stamp or device made [8] or [9] used by the direction of the commissioners of excise in England or Scotland, or the major part of them respectively [10], for the purpose of printing, stamping [11], or [12] marking of any paper to be used as or for a permit or permits, to accompany any exciseable commodity or commodities, removing or removed from one part of Great Britain to any other part thereof, in pursuance of the directions of any of the several statutes requiring such permit [13]; every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [14].

Since the 52 G. 3. c. 143. s. 9. is, in every respect, co-extensive with, and in some respects more extensive than the 23 G. 3. c. 70. s. 9. it follows that the 23 G. 3. is superseded by the 52 G. 3.

Secondly, with reference to the Customs Enactments.

1° *Warrants and Certificates*—1 (*a*). 18 (*b*).

13 & 14 Car. 2. c. 11. s. 8.

[13 & 14 Car. 2. c. 11. s. 8.]—If any person whatsoever shall [1] counterfeit, rase or falsify [2] any cocquet [3], certificate [4] or return [5], transire [6], let pass [7], or any other custom-house warrant [8], he shall forfeit one hundred pounds [9], and the cocquet, certificate or return shall be invalid and of none effect [10].

52 G. 3. c. 143. s. 10.

[52 G. 3. c. 143. s. 10.]—If any person shall [1], with intent to defraud his Majesty [2], falsely make, forge, counterfeit or alter [3], or cause or procure to be falsely made, forged, counterfeited or altered, or willingly assist in the falsely making,

Notes to 52 *G.* 3. *c.* 143. *s.* 9.

[1] Equivalent at least to [1] in 23 G. 3.
[2] Same as [2] in 23 G. 3.
[3] Equivalent at least to [3] in 23 G. 3.
[4] Same as [4] in 23 G. 3.
[5] Equivalent at least to [5] in 23 G. 3.
[6] Same as [6] in 23 G. 3.
[7] More extensive than [7] in 23 G. 3.
[8] Same as [8] in 23 G. 3.
[9] 'And' is the word in division [9] of 23 G. 3.
[10] Equivalent to [10] in 23 G. 3.
[11] Same as [11] in 23 G. 3.
[12] 'And' is the word in division [12] of 23 G. 3.
[13] Equivalent to [13] in 23 G. 3.
[14] Equivalent to [14] in 23 G. 3.
(*a*) 13 & 14 Car. 2. c. 11. s. 8.
(*b*) 52 G. 3. c. 143. s. 10.

Notes to 52 *G.* 3. *c.* 143. *s.* 10.

[1] Equivalent to [1] in 13 & 14 Car. 2.
[2] Less extensive than 13 & 14 Car. 2.
[3] Equivalent to [2] in 13 & 14 Car. 2.

making, forging, counterfeiting or altering [4], any debenture [5], or any certificate for the payment or return of any money [6], or any part of any such debenture or certificate [7], or any signature thereon [8], in any case in which such debenture or certificate is by any act or acts of parliament relating to the duties of customs or excise required and directed to be given or granted [9]; or shall wilfully, with such intent as aforesaid, utter, publish or make use of any such debenture or certificate, or part thereof, so being wholly or in part falsely made, counterfeited or altered [10]; every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy [11].

Since the 52 G. 3. is, in some respects, less extensive than the 13 & 14 Car. 2. it follows that the 13 & 14 Car. 2. is, *pro tanto*, in force, notwithstanding the 52 G. 3. In other respects the 13 & 14 Car. 2. is superseded by the 52 G. 3.

2° *Debentures*—18 (*a*).

Since there is a single provision only under this division of the subject, it is unnecessary to give any details.

3° *The Receiver General of the Customs*—16 (*b*).

Since there is a single provision only under this division of the subject, it is unnecessary to give any details.

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[4] Not in 13 & 14 Car. 2.

[5] Not, in terms, in 13 & 14 Car. 2. Query, if either [4], [5], or [8] in 13 & 14 Car. 2. include this division.

[6] Less extensive than [4] in 13 & 14 Car. 2.

[7] Equivalent to [2] in 13 & 14 Car. 2.

[8] Not in 13 & 14 Car. 2. unless where the signature is a part of the original instrument, in which case the division is met by [2] in 13 & 14 Car. 2.

[9] Implied in 13 & 14 Car. 2.

[10] Not in 13 & 14 Car. 2.

[11] Merging 13 & 14 Car. 2. in those cases in which the 52 G. 3. is co-extensive with the 13 & 14 Car. 2.

(*a*) 52 G. 3. c. 143. s. 10.

(*b*) 46 G. 3. c. 150. s. 10.